

US Postal Laws & Regulations

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Post offices

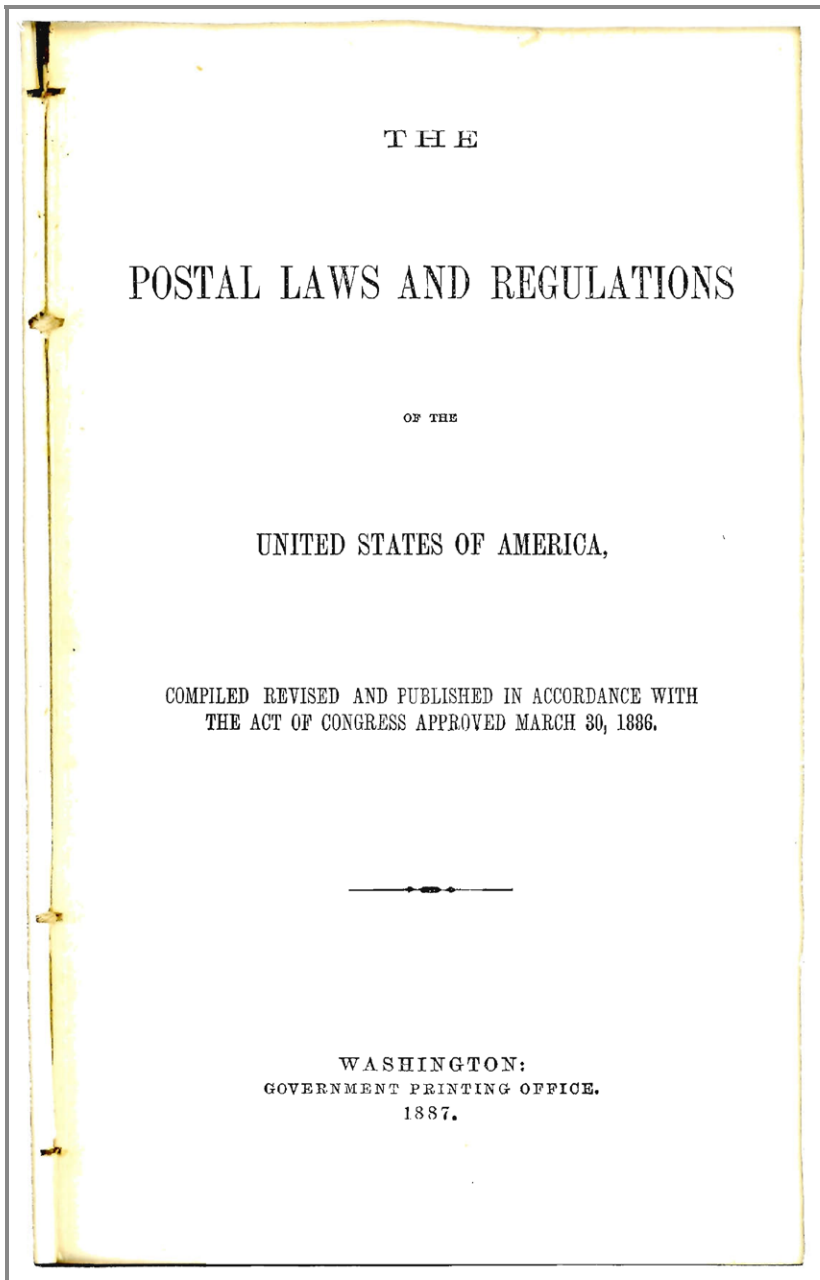


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TITLE IV.
POST-OFFICES AND POSTMASTERS.

CHAPTER FIFTEEN.

OF THE ESTABLISHMENT AND DISCONTINUANCE OF POST
OFFICES; THE APPOINTMENT AND QUALIFICATION OF POST-
MASTERS, AND OF THEIR SURETIES.

POST-OFFICES.

Sec. 436. Establishment of Post-Offices.—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 Sixth Auditor. And every person who, 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, for every such offense, be liable to a penalty of not more than five hundred dollars. (R. S., § 3829.)

NOTE.—The power to establish post-offices can lawfully be delegated by Congress to the Postmaster-General. (*Ware v. United States*, 4 Wall., 632.)

Sec. 437. Establishment of Branch Post-Offices.—The Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices 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.)

Such offices are regarded as part of the post-office with which they are connected, are subject to the postal laws and regulations, so far as the same are applicable, and are to be governed thereby, and by such orders as the postmaster may prescribe not inconsistent therewith.

Sec. 438. Change of Name and Site of Post-Offices.—Names of post-offices can be changed only by order of the Department.

The site or location of an office cannot be changed without permission of the Department, in applying for which the postmaster should state
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whether it involves additional expense for transportation of the mail, and is approved by the patrons of his office, and specify the distance and direction of the proposed site from the one occupied.

NOTE.—A postmaster, being an officer subordinate to the Postmaster-General, is bound to obey his orders respecting the location of a post-office within a city, and courts will not enjoin him from so doing. The power to remove a post-office from one building to another in the same town is vested by law in the Postmaster-General, and can be exercised at discretion; and a lease for the term of four years does not deprive the Department of the power to remove during that time. (*Western Star Lodge v. Sohminke*, 4 McCreary, 366.) See note to section 466.

Sec. 439. Discontinuance of Post-Offices.—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 Sixth Auditor. (R. S., § 3864.) See section 485.

NOTE.—The power to discontinue is incident to the power to establish, and without express authority conferred by Congress the Postmaster-General would have authority to discontinue an office, unless there is some provision in the acts of Congress restraining its exercise. (*Ware v. United States*, 4 Wall., 632; *Ex parte Hennen*, 13 Pet., 261.)

APPOINTMENT AND QUALIFICATION OF POSTMASTERS.

Sec. 440. Appointment and Term of Office.—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 shall hold their offices for four years unless sooner removed or suspended according to law; 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 Auditor for the Post-Office Department. (Act of July 12, 1876, § 6; 19 Stats., 80.)

NOTE.—When a post-office of the first, second, or third class is assigned to the fourth-class, the effect of such assignment is to abolish the office as a Presidential office; and the term of the postmaster appointed by the President, by and with the advice and consent of the Senate, ceases; and the Postmaster-General is required to appoint a postmaster. (Opins. Att.-Gen., October 14, 1885.)

When the commission of a postmaster has been signed and sealed and placed in the hands of the Postmaster-General to be transmitted to the officer, so far as the Executive is concerned, it is a completed act. The officer has then been commissioned by the President pursuant to the Constitution; and the subsequent death of the President, by whom nothing remained to be done, can have no effect on that completed act. (*United States v. Le Baron*, 19 Howard, 79.)

Sec. 441. Who May Be Postmaster.—No person can be appointed postmaster who cannot execute a valid bond and take the prescribed oath of office. Minors and aliens are therefore ineligible, but an alien who

duty; tends to excite disaffection even in his own party, and brings reproach on the public service.

No official will find his just independence restrained by the course of manly moderation and tolerant courtesy which the regulation enjoins, nor, if he reads it in the spirit of obedience, have difficulty in determining his conduct accordingly.

Sec. 481. Business Hours at Post-Offices.—Every postmaster must keep his post-office open for the dispatch of business every day, except Sundays and holidays, during the usual hours in which the principal business houses in the place are kept open, and attend at such other hours as may be necessary to receive and dispatch mails. When the mail arrives on Sunday he will keep his post-office open for one hour or more after the arrival and assortment thereof, if the public convenience require it, for the delivery of the same only. If it be received during the time of public worship, the opening of the post-office will be delayed until services have closed. He need not open his office during the day of Sunday, if no mails arrive after the closing of the office on Saturday and before six o'clock Sunday afternoon. While open, stamps may be sold to any one applying for them; but money-orders must not be issued nor paid, nor letters registered on that day. Delivery on Sunday must not be restricted to box holders, but made to all who call while the office is open. The office on week days should not be closed during meal hours.

The windows in connection with the carriers' department must be opened for the delivery of mail matter during office hours on Sundays, holidays, and in the evening after the last carrier delivery.

As to DUTIES IN RESPECT TO SPECIAL DELIVERY LETTERS, see section 688.

Sec. 482. Delivery; when to be Kept Open.—The delivery of the post-office should be closed during the opening and distribution of a mail only when the clerical force is insufficient to distribute the mail and allow delivery at the same time; and, when closed, should be opened so soon as the mail is distributed.

Sec. 483. Holidays.—Postmasters may observe as holidays January 1st, July 4th, December 25th, and such other days as the President of the United States, or the governors in their respective States, may designate as fast or thanksgiving days or proclaim specially as holidays. On May 30th, post-offices may be closed between the hours of 10 o'clock a. m. and 5 o'clock p. m., if the postmaster thinks best. On other occasions their offices can be closed only after permission obtained therefor from the Department, to be applied for through the First Assistant Postmaster-General. Upon holidays post-offices must be open sufficiently to meet fairly the public convenience.

Sec. 484. *The Public Property—Sales of Waste Paper and Twine*—Upon taking charge of the post-office every postmaster will make in duplicate inventories of the public property belonging to it, each of the four classes of property to be inventoried separately, as follows:

1. Of all postage stamps, special-delivery stamps, stamped envelopes, letter-sheet envelopes, newspaper wrappers, and postal cards, and newspaper and periodical stamps, and postage-due stamps.

2. Of all Postal Guides, books of Postal Laws and Regulations, circulars, orders, blanks, rating stamps, postmarking stamps, ink pads and supply of ink, and letter balances or scales, and stationery.

3. Of all desks, cases, safes, and other furniture or fixtures, books, and maps allowed or furnished by the Department.

4. Of all locks, keys, and mail bags.

And he will receipt to his predecessor according to these inventories, and will transmit one of the duplicates of class 1 to the Sixth Auditor, of classes 2 and 3 to the First Assistant Postmaster-General, and of class 4 to the Second Assistant Postmaster-General, retaining one of each. He will not receive from his predecessor, on taking charge, any money belonging to the Department, except money-order funds, unless specially instructed to do so. (See section 190.)

Sale of Waste Paper and Twine.—Waste paper embraces dead and unclaimed domestic printed matter (section 598), used registered-package envelopes (section 1145), applications for money orders and money-order advices (section 1293), used facing slips (section 552), and any other useless paper. Postmasters must exercise care to realize the most from this waste, and, when practicable, sell the same and all remnants of twine unfit for use, before the expiration of each quarter, accounting for the proceeds as postal funds. The sale should be made in the neighborhood of the office, if possible; and such matter cannot be transported free in the mails to a purchaser, nor mail bags be used to carry it away. The use of mail bags as receptacles for waste paper and office sweepings is prohibited.

As to key-deposit funds, see section 495.

Sec. 485. *Public Documents and Property to be Turned over to Successor.*—All books of regulations, Guides, instructions, circulars, and orders received by a postmaster from any officer of the Department are to be filed and preserved in the post-office and turned over to his successor. In like manner he will turn over to his successor, or, in the event of the discontinuance of the post-office, deliver to the postmaster designated by the First Assistant Postmaster-General to receive them, as public property, all safes, desks, cases, and other furniture and fixtures, and all books, office records (such as duplicate pay rolls, records of arrivals

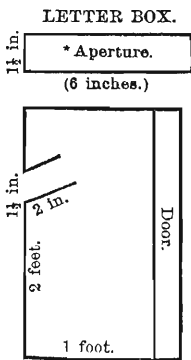
and departures of mails, and of employés of the Railway Mail Service), all maps, blanks, stationery, all stamps and stamped paper, and other articles which have either been furnished to him as postmaster or have been charged for and allowed at any time, and which may remain on hand when the vacancy or discontinuance occurs. Such property and supplies are not to be returned to the Department.

Sec. 486. Care of the Public Property.—Postmasters are required to exercise due care in preserving and in the use of the public property committed to their charge. Postal funds in their hands are always at their own risk. In cases of loss or destruction of stamped paper, money-order funds, or other property by fire, burglary, or other unavoidable casualty, they will not receive credit for the loss if it appears that the loss resulted from their fault or negligence in not exercising such reasonable precaution and care as the circumstances required. When any post-marking, canceling, or rating stamps or pads become unfit for use, and cannot be repaired by the postmaster, he should return them to the Department, and make entry thereof on his record.

EQUIPMENT OF POST-OFFICES.

Sec. 487. Receiving Box for Mail at Third and Fourth Class Post-Offices.—

A letter box must be provided at third and fourth class post-offices, and constructed in the window or wall; the aperture for the posting of letters must be horizontal, as shown by the diagram in the margin, and measure six inches by an inch and a half, and be easily accessible at all hours to the public. The words "Letter Box" must be painted above the aperture. The box must be at least two feet in depth from the lower edge of the aperture, and not less than one foot wide and one foot from back to front; and directly underneath the aperture, on the inside, should be a ledge about two inches in width, inclining upwards, as shown in the diagram, to prevent the contents of the box from being seen or taken out at the aperture. The box should be shut by means of a door forming the entire back or side of the box, the door always be securely locked, and the key kept in a safe place.



Sec. 488. Place for Mail Matter Awaiting Delivery and for Stamps, &c.—At fourth-class post-offices a drawer should be provided to hold letters not registered, awaiting delivery, where not kept in letter-boxes, a separate drawer to hold official papers (including instructions), which should never be placed with the letters, and a drawer in which to keep postage stamps, and a box or till with a secure lock in which to place postal

moneys, which must at all times be kept separate from the postmaster's private funds.

As to the other supplies of an office, see sections 467-473.

LETTER BOXES.

Sec. 489. How Provided.—Boxes in post-offices are provided by the following methods:

1. In Government buildings by the Treasury Department.
2. At other first and second class post-offices, the lessor, by agreement in his lease, sometimes provides them.
3. Individuals may provide lock boxes or drawers for their own use, under the next section.
4. In all other cases the necessary boxes must be furnished and kept in repair by the postmaster.

Sec. 490. Lock Boxes, &c., for Box Holders at their Expense.—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. (R. S., § 4052.) (See section 149.)

Sec. 491. Rent of Boxes to be Prepaid.—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.)

The postmaster has no right to assign any person a box free of rent. He must not rent a box for a longer term than three months; and where the application is made during a quarter, he should rent the box for the remainder of that quarter, charging the pro rata amount for the time remaining. This rule is necessary to the quarterly settlement of his accounts required by law. When persons holding boxes refuse to pay their box rent, their mail should be put in the general delivery. Strict compliance with this regulation is required; and the postmaster's own interest will be subserved by adhering to it, as he is chargeable with all uncollected box rents (section 149); and the collecting of rents for a longer period in advance than herein authorized will work confusion in his accounts and delay their settlement.

Sec. 492. Use of Boxes.—A person renting a box may have the mail addressed to members of his family, including visitors, and that addressed to his care or to the number of his box for persons who wish

him temporarily to take charge of it, placed in such box. Boarders at a hotel or boarding house are not considered as members of the family. The employés of a firm or corporation may, by consent of their employers, have their mail put in the company's box; but if the box will not contain all the mail, the box holder must be notified that he may rent another box. Mail matter addressed to students in a college or seminary, or the inmates of any public institution, may, when such is the rule or usage of the institution, be put in the box rented by it and may be delivered to its messenger. It may be so deposited in the box and delivered at the request of the student or his parent or guardian, or of such inmate, in the absence of a rule or usage of the college or institution. With these exceptions the use of a box is restricted to one family, firm, or corporation. If a person rent boxes at two or more post-offices, his matter must be delivered by the office to which it is addressed.

A postmaster has no right to use the boxes nor the general delivery of his office for the distribution of bills or circulars relating to his own private business. But he may place official notices to the box-holders in their boxes without inclosing them in a penalty envelope. Postmasters are required to hand out mail to the renters of lock-boxes or other persons entitled to receive it when requested. There must be no discrimination in delivering mail matter only to box holders and not at the general delivery.

Sec. 493. Names of Box Holders not to be Disclosed.—Postmasters are strictly prohibited from disclosing to any person not of his office, except inspectors, the names of the persons owning or renting boxes in their post-offices.

Sec. 494. Record of Box Holders and Receipts.—Each postmaster must keep in his office, for examination of inspectors, and deliver to his successor, a list of box holders, with the number of the box assigned to each, the time during which he has used it, and for which rent is prepaid. The record of receipts which he is required to keep (see sections 240, 241, and 242,) must show the amount of moneys received for box rents, the number of the box, the period, and renter, as to each payment, respectively. If no such record be turned over to him, the incoming postmaster will require claimants of boxes to produce receipts or other satisfactory evidence of prepayment of rent, and allow the use of the boxes for the residue of the prepaid term.

Sec. 495. Key Deposits.—At post-offices in public buildings under the control of the Treasury Department and in buildings leased by the Government, postmasters are required to exact in advance a deposit of fifty cents for each key delivered to the renter of a lock-box or drawer, as se-

curity against its loss, such deposit to be refunded when the key is returned.

The following instructions will be carefully observed by postmasters in respect to key deposits :

1. In Government buildings in which the lock boxes and drawers are furnished by the Treasury Department, the postmaster will, when collected, deliver such deposit to the custodian of the building, who is charged with keeping such boxes and drawers and keys in repair, and who will return the amount upon surrender of the key.

2. At offices in buildings leased by the Government, with box outfits covered by the lease, the postmasters are required to hold such key deposits as a trust fund, subject to return or application upon forfeiture as herein directed. The object and condition of the deposit should be explained to the box renter.

3. An account must be kept of such deposits, to be known as the "Key-deposit Redemption Fund," each deposit to be entered therein, with the name of the depositor, date of deposit, and the number of the key.

4. When a key is surrendered within thirty days after the box to which it belongs is vacated, the deposit therefor, in the postmaster's hands, should be at once refunded and receipt taken therefor, and proper entry made in the account of that fund.

5. When a key is lost by the renter, or while he is responsible therefor, or through his fault is broken so as to be rendered useless, or is withheld for over thirty days after the box to which it belongs has been vacated, the deposit therefor becomes forfeited and will be transferred to another fund called the "Key-deposit Forfeiture Fund," and entry thereof made in the account.

6. The "forfeiture fund" is to be expended (1) for the purchase of new keys to replace those lost, broken, or withheld; (2) for necessary repairs to locks; and (3) for keeping the lock boxes in serviceable condition. Vouchers in duplicate should be taken of such expenditures.

7. Every postmaster having in his hands any key-deposit funds must render account thereof to the First Assistant Postmaster-General on June 30 and December 31 of each year (on Form 1090), and a final account on retiring from office. Vouchers for all moneys refunded or disbursed must accompany the account. If the postmaster die, his sureties will transfer the funds and render final account.

8. Upon retirement from office the postmaster will turn over all key-deposit funds, whether forfeited or not, and the records thereof, to his successor in office. Should he fail or refuse to do so, the successor will at once inform the Department of the fact. Box holders who provide

their own boxes, as authorized by section four hundred and ninety, are not required to make deposits for keys furnished by themselves, but must for keys furnished therefor by the postmaster.

Postmasters who provide their own boxes may require a key deposit at their option, not to exceed fifty cents per key. If they omit the requirement, they must inform the First Assistant Postmaster-General.

ASSISTANTS, MAILING CLERKS, ETC.

Sec. 496. Assistant Postmasters.—Each postmaster shall employ an assistant, so that the office may not be left without a person duly sworn and qualified to perform its duties in case of his necessary absence, sickness, resignation, or death. The wife, son, daughter, or surety of the postmaster may, if competent, be such assistant. All members of his family who are competent and are liable, in his absence, to be called upon to receive or deliver mail, should take the oath of a postal employé. (See section 43.) An ex-postmaster should not be permitted to have access to or handle mail matter in the office unless he takes the oath anew. An unnaturalized person may be such assistant, provided he has in proper form declared his intentions. No contractor or subcontractor for carrying the mails, mail messenger, or assistant mail messenger can be clerk in a post-office. (See section 773.)

Sec. 497. Classification of Clerks and Employés in Post-Offices.—Within said sixty days it shall be the duty of the Postmaster-General to separately arrange in classes the several clerks and persons employed, or in the public service, at each post-office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the postal service in connection with any other post-office; and every such arrangement and classification upon being made shall be reported to the President. (Act of January 16, 1883, § 6 in part, 22 Stats., 406.)

NOTE.—Under the foregoing provision from the Civil Service law, post-offices where such classification and arrangement have been made by order of the Postmaster-General, are within the "Classified Postal Service"; and all employment and appointment of clerks or carriers are made upon selection from those found eligible after a competitive examination by an examining board appointed by the Civil Service Commission. For the manner of application for examination, procedure thereon and mode of appointment, reference is made to the Civil Service Rules. The provisions of the Civil Service law (see sections 19 to 24 and 78 to 81) apply to clerks and employés in the Classified Postal Service.

and seizures extends to their papers thus closed against inspection, wherever they may be. Whilst in the mail they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principles embodied in the fourth amendment of the Constitution."

Sec. 507. Postmasters not to give Information Respecting Mail Matter.—Postmasters and all others in the service are forbidden to furnish information concerning mail matter received or delivered, except to the persons to whom it is addressed or to their authorized agents or post-office inspectors. A disregard of this regulation will render the offender liable to removal. Postmasters may, however, when the same can be done without interference with the regular business of the post-office, furnish to officers of the law, to aid them in discovering a fugitive from justice, information concerning the postmarks and addresses of letters, but must not delay or refuse their delivery to the persons addressed.

Sec. 508. Penalty for Unlawfully Detaining Mail Matter.—Any postmaster who shall unlawfully detain in his office any letter or other mail matter, the posting of which is not prohibited by law, with intent to prevent the arrival and delivery of the same to the person to whom it is addressed, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than six months, and he shall be forever thereafter incapable of holding the office of postmaster. (R. S., § 3890.) (See section 1447.)

Sec. 509. Time of Closing the Mails.—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.)

Mails at first-class post-offices are to 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 can be closed at 9 P. M.

This regulation does not apply to the post-office at New York City, and any office may be exempted therefrom by special order. At fourth-class offices the mails should not be closed until it becomes necessary, allowing a reasonable time for delivery at the train or to the carrier on star routes.

Sec. 510. Opening and Closing at Intermediate Offices on Star Routes.—Seven minutes are allowed for opening and closing the mails at all intermediate offices on star routes, where no time is specified. Should this time