

US Postal Laws & Regulations

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Postmasters

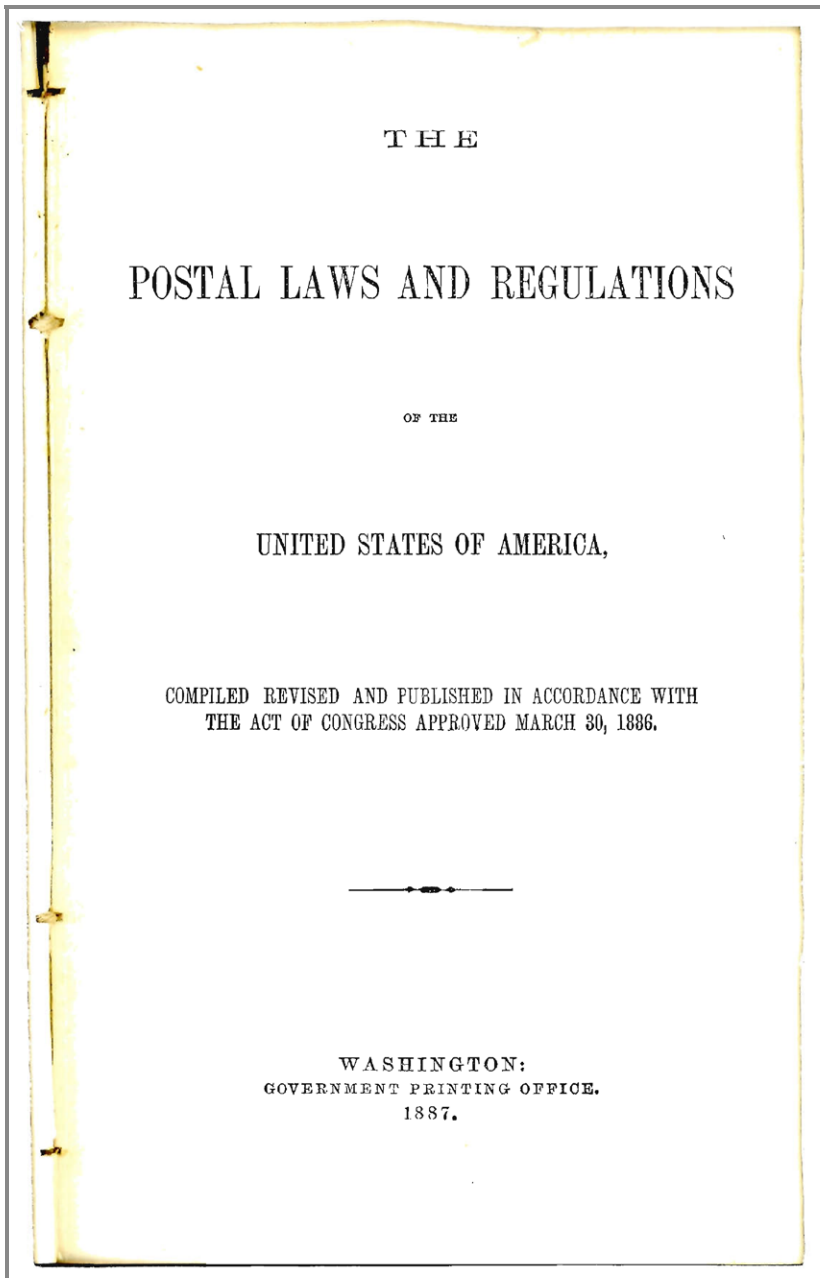


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whether it involves additional expense for transportation of the mail, and is approved by the patrons of his office, and specify the distance and direction of the proposed site from the one occupied.

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

has duly declared intention to become a citizen of the United States is not. A married woman of full age may be appointed. When married women or widows are appointed, their commissions will run and their bonds must be given in their own full Christian names and not the names of their husbands.

The wife of a contractor for carrying the mails will not be appointed.

NOTE.—An Indian citizen of the Cherokee Nation cannot lawfully execute a valid bond to the United States nor take the oath of office, and hence is not eligible to the office of postmaster. (Opinion of Attorney-General, May 21, 1885.) A female over 18 years of age but under 21 years of age can lawfully be appointed as postmaster of an office in a State where females are declared by statute of full age at 18 years for all purposes.

Sec. 442. Bonds of Postmasters.—Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster-General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the Department; and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business. On the death, resignation, or removal of a postmaster his bond shall be delivered to the Sixth Auditor. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole. (R. S., § 3834.)

Sec. 443. Instructions as to Qualification.—Upon appointment, the appointee is notified by letter and furnished with a blank form of official oath and bond. He will avoid delay by correctly filling out each, properly taking the oath as prescribed in sections forty-three and forty-four, and executing the bond, which must be signed in the presence of attesting witnesses by himself and at least two sureties; such signatures must be Christian names in full, in the proper places, and all the names inserted properly in the body of the bond. The sufficiency of the sureties for the payment of the sum specified in the bond must be certified by the officer who administers the oath in which they justify their responsibility. The official character and signature of the officer administering the oaths to the postmaster and to the sureties must be authenticated by the certificate of the clerk of a court of record under seal of the court, unless the oaths be administered by an officer of the United States authorized thereto, or the clerk of a court of record, or a notary public with his official seal affixed. The official oath and bond will be transmitted to the First Assistant Postmaster-General.

The appointee cannot assume his duties until his commission is received; and it is not issued until his oath is filed in the Department and his bond approved by the Postmaster-General.

NOTE.—The official bond must be under seal. If without seal it is not a bond. (*United States v. Linn*, 15 Pet., 311; *State v. Thompson*, 49 Mo., 183.) But there may be a scroll written with a pen inclosing the letters L. S. (*Burton v. Le Roy*, 5 Saw. C. Ct., 510), or the word "seal" printed between brackets and adopted by the signer as his seal or scroll. (*Underwood v. Dollins*, 47 Mo., 259.)

Sec. 444. Postmasters' Commissions.—That hereafter the commissions of all postmasters appointed by the President, by and with the advice and consent of the Senate, shall be made out and recorded in the Post-Office Department, and shall be under the seal of said Department, and countersigned by the Postmaster-General, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission until after the same shall have been signed by the President of the United States. (Act of March 18, 1874; 18 Stats., 23.)

Sec. 445. Residence of Postmasters.—Every postmaster shall reside within the delivery of the office to which he is appointed. (R. S., § 3831.)

A postmaster, until the action of the Postmaster-General, does not vacate his office by remaining out of the neighborhood of the post-office. If he keeps the post-office by an assistant he is still responsible to the Department and to individuals. (2 McLean, 14.)

Sec. 446. Limitations Upon Holding Other Offices.—Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him, or otherwise, under the Constitution and laws of the United States, while holding such Federal positions, accept offices under the authority of the States and Territories in which they reside, or of municipal corporations, under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority; and

Whereas it is believed that, with few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and moreover is not in harmony with the genius of the Government:

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that, from and after the fourth day of March, A. D. 1873, except as herein specified, persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation; and, further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office, as aforesaid, under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office

held by such person, and will be taken to be, and will be, treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, or bail, or to administer oaths, shall not be deemed within the purview of this order, and are excepted from its operation, and may be held by Federal officers. The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs; and deputy postmasters, the emoluments of whose office do not exceed \$600 per annum, are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster. Heads of Departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective Departments or offices, and as relates to the several persons holding appointments under them respectively. (Executive Order, January 17, 1873.)

The foregoing explained :

Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th of January, relating to the holding of State and municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made :

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman, or of a common councilman in a city, or of a town councilman of a town or village, or of appointment under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be held with or without salary or compensation.

The city or town officers of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions, incorporated or established or sustained by State or municipal authority.

Positions and service on such boards or committees and professorships in colleges are not regarded as "offices" within the contemplation of the Executive order, but as employments or service in which all good citizens may engage without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may, therefore, engage in such service, provided the attention required by such employment does not interfere with the regular and official discharge of the duties of their office under the Federal Government. The head of the Department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to the officers of the State militia.

Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus in some sense under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of

17th January is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also, whether it applies to mechanics employed by the day in the armories, arsenals, and navy-yards, &c., of the United States.

Unpaid service in local or municipal fire Departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the Department under which the office is held will in each case be the judge.

Employment by the day as mechanics or laborers in the armories, arsenals, navy-yards, &c., does not constitute an office of any kind, and those thus employed are not within the contemplation of the Executive order. Master-workmen and others who hold appointments from the Government or from any Department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order. (Executive Order, January 28, 1873.)

OF SURETIES; AND NEW BONDS.

Sec. 447. Limit of Time of Sureties' Liability.—Whenever the office of any postmaster becomes vacant, the Postmaster-General or the President shall supply such vacancy without delay, and the Postmaster-General shall promptly notify the Sixth Auditor of the change; and every postmaster and his sureties shall be responsible under their bond for the safe-keeping of the public property of the post-office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster-General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster-General; and the Postmaster-General may, when the exigencies of the service require, place such office in charge of a special agent until the vacancy can be regularly filled; and when such special agent shall have taken charge of such post-office, the liability of the sureties of the postmaster shall cease. (R. S., § 3836.)

Sec. 448. Action of Sureties upon Postmaster's Death.—Upon the death of a postmaster the sureties are entitled to take possession of the office and Government property therein, and may depute one of themselves or another person as acting postmaster to perform the duties of the office and safely keep the property for them until a successor is appointed and takes possession. Such acting postmaster must, before entering upon the discharge of his duties, take the oath of office as acting post-

master, which must be forwarded to the Department together with the deputization. He will then be recognized by the Department, and his requisitions will receive attention.

AS TO ACCOUNTS AND RETURNS to be rendered upon death of postmaster, see section 250.

NOTE.—When a surety performs the duty of a postmaster at a presidential office, by virtue of the above regulation, and with the sanction of the Postmaster-General, it is presumed that he acts by the authority of the President, that is, that the regulation is authorized by the President (13 Pet., 498; 16 Pet., 291; 7 Opin's. Atty. Gen., 453), and the surety is entitled to the salary for the time in which he performs the duties. (2 Lawrence's Decisions, 40.)

Sec. 449. Release of Sureties by Renewal of Bond.—Whenever any of the sureties of a postmaster notify the Postmaster-General of their desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary, he shall require the postmaster to execute such new bond, with security. When accepted by the Postmaster-General, the new bond shall be as valid as the bond given upon the original appointment of such postmaster, and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted. (R. S., § 3837.)

Applications of sureties for release should be addressed to the Postmaster-General.

NOTE.—For the security of the sureties bound in the previous obligation, the date of the acceptance should be indorsed on the bond; yet the sureties to the new bond are bound by the acceptance in fact of their bond by the Postmaster-General, and this acceptance may be shown as any other fact is required to be. (4 Opins. Attorney-General, 187; *Bank of U. S. v. Dandridge*, 12 Wheat., 64.) See note to section 443.

Sec. 450. Other Cases in which New Bond is Required.—A new bond will be required in the following cases:

1. Upon the death, removal from the State, insolvency, or any other disability of one or more of the sureties on the postmaster's bond.

And every postmaster is required to promptly report to the Department the occurrence of any such event, on pain of removal.

2. Whenever any postmaster of the fourth class shall have remained in office for five years from the date of the taking effect of his latest official bond.

The First Assistant Postmaster General will notify postmasters when renewal is required under this clause.

3. When the name of a post-office is changed.

4. When a single woman, who is postmaster, is reappointed upon her marriage.

5. Whenever any other emergency shall arise which is deemed sufficient to require it.

Sec. 451. Application of Payments after Giving New Bond.—Whenever any postmaster is required to execute a new bond all payments made by him after the execution of such new bond may, if the Postmaster-General or the Sixth Auditor deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond. (R. S., § 3835.)

That section thirty-eight hundred and thirty-five of the Revised Statutes is amended by adding the following:

Hereafter, when a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails, to make good such deficiency, it shall be the duty of the Sixth Auditor of the Treasury Department to notify the Postmaster-General of such failure, and upon receiving such notice the Postmaster-General shall forthwith deposit a notice in the post-office at Washington, District of Columbia, addressed to the sureties respectively upon the bond of said postmaster at the office where he or they may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. (Act of February 4, 1879, 20 Stats., 281.)

Sec. 452. Release of Sureties by Lapse of Time.—If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness. (R. S., § 3838.)

NOTE.—This provision was adopted for the benefit of sureties and to excite the utmost degree of diligence of the Departments. (*Postmaster-General v. Fennell*, 1 McLean, 217; *U. S. v. Marks's Sureties*, 3 Wall., jr., 360.)

In an action against the sureties of a postmaster, on his official bond, it is no defense that the Government, through their agent, the Auditor of the Treasury for the Post-Office Department, had full notice of the defalcation and embezzlement of the postmaster, and yet neglectfully permitted him to remain in office, whereby he was enabled to commit all the default and embezzlement. (*Jones v. United States*, 18 Wall., 662.)

Sec. 453. Release of Sureties by Court of Claims.—That whenever any person shall present his petition to the Court of Claims, alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith,

under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney-General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found due, which may be brought at any time within three years after the final judgment of said court. Unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. (Act of March 3, 1887, § 3, 24 Stats., 505.)

CHAPTER SIXTEEN.

OF THE CLASSIFICATION AND COMPENSATION OF POSTMASTERS, AND OF THEIR ALLOWANCES AND SUPPLIES.

Sec. 454. Classification.—That the postmasters shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are three thousand dollars or more than three thousand dollars; the second class shall embrace all those whose annual salaries are less than three thousand dollars, but not less than two thousand dollars; the third class shall embrace all those whose annual salaries are less than two thousand dollars, but not less than one thousand dollars; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than one thousand dollars. (Act of July 12, 1876, § 5, 19 Stats., 80.)

COMPENSATION OF POSTMASTERS.

Sec. 455. Orders Affecting Salaries.—That the Postmaster-General shall make all orders relative to the salaries of postmasters; and any change made in such salaries shall not take effect until the first day of the quarter next following the order; and the Auditor shall be notified of any and all changes of salaries. (Act of March 3, 1883, § 3, 22 Stats., 602.)

Sec. 456. Readjustments of Salaries.—That the salaries of postmasters of the first, second, and third classes shall be readjusted by the Postmaster-General, the first adjustment (under this act) to take effect simultaneously with the reduction of the rates of postage, and thereafter at the beginning of each fiscal year; and the salary of the postmaster at Washington City, District of Columbia, shall be five thousand dollars; and in no case shall the salary of any postmaster exceed the sum of six thousand dollars, except in the city of New York, where the salary of the postmaster shall remain as now fixed by law, at eight thousand dollars per annum. (Act of March 3, 1883, § 4, 22 Stats., 602.)

Sec. 457. Salaries of First, Second, and Third Classes.—That the respective compensation of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster-General from their respective quarterly returns to the Auditor of the Treasury for the Post-Office Department, or copies or duplicates thereof, to be forwarded to the First Assistant Postmaster-General, for four quarters immediately preceding the adjustment, at the following rates, namely:

FIRST CLASS.

Gross receipts, forty thousand dollars, and not exceeding forty-five thousand dollars, salary, three thousand dollars.

Gross receipts, forty-five thousand dollars, and not exceeding sixty thousand dollars, salary, three thousand one hundred dollars.

Gross receipts, sixty thousand dollars, and not exceeding eighty thousand dollars, salary, three thousand two hundred dollars.

Gross receipts, eighty thousand dollars, and not exceeding one hundred and ten thousand dollars, salary, three thousand three hundred dollars.

Gross receipts, one hundred and ten thousand dollars, and not exceeding one hundred and fifty thousand dollars, salary, three thousand four hundred dollars.

Gross receipts, one hundred and fifty thousand dollars, and not ex-

ceeding two hundred thousand dollars, salary, three thousand five hundred dollars.

Gross receipts, two hundred thousand dollars, and not exceeding two hundred and sixty thousand dollars, salary, three thousand six hundred dollars.

Gross receipts two hundred and sixty thousand dollars, and not exceeding three hundred and thirty thousand dollars, salary, three thousand seven hundred dollars.

Gross receipts, three hundred and thirty thousand dollars, and not exceeding four hundred thousand dollars, salary, three thousand eight hundred dollars.

Gross receipts four hundred thousand dollars, and not exceeding four hundred and fifty thousand dollars, salary, three thousand nine hundred dollars.

Gross receipts, four hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars, salary, four thousand dollars.

Gross receipts five hundred thousand dollars, and not exceeding six hundred thousand dollars, salary, five thousand dollars.

Gross receipts, six hundred thousand dollars and upwards, salary, six thousand dollars.

SECOND CLASS.

Gross receipts, eight thousand dollars, and not exceeding nine thousand dollars, salary, two thousand dollars.

Gross receipts, nine thousand dollars, and not exceeding ten thousand dollars, salary, two thousand one hundred dollars.

Gross receipts, ten thousand dollars, and not exceeding eleven thousand dollars, salary, two thousand two hundred dollars.

Gross receipts, eleven thousand dollars, and not exceeding thirteen thousand dollars, salary, two thousand three hundred dollars.

Gross receipts, thirteen thousand dollars and not exceeding sixteen thousand dollars, salary, two thousand four hundred dollars.

Gross receipts, sixteen thousand dollars, and not exceeding twenty thousand dollars, salary, two thousand five hundred dollars.

Gross receipts, twenty thousand dollars, and not exceeding twenty-four thousand dollars, salary, two thousand six hundred dollars.

Gross receipts, twenty-four thousand dollars, and not exceeding thirty thousand dollars, salary, two thousand seven hundred dollars.

Gross receipts, thirty thousand dollars, and not exceeding thirty-five thousand dollars, salary, two thousand eight hundred dollars.

Gross receipts, thirty-five thousand dollars, and not exceeding forty thousand dollars, salary, two thousand nine hundred dollars.

THIRD CLASS.

Gross receipts, one thousand nine hundred dollars, and not exceeding two thousand one hundred dollars, salary, one thousand dollars.

Gross receipts, two thousand one hundred dollars, and not exceeding two thousand four hundred dollars, salary, one thousand one hundred dollars.

Gross receipts, two thousand four hundred dollars, and not exceeding two thousand seven hundred dollars, salary, one thousand two hundred dollars.

Gross receipts two thousand seven hundred dollars, and not exceeding three thousand dollars, salary, one thousand three hundred dollars.

Gross receipts, three thousand dollars, and not exceeding three thousand five hundred dollars, salary, one thousand four hundred dollars.

Gross receipts, three thousand five hundred dollars, and not exceeding four thousand two hundred dollars, salary, one thousand five hundred dollars.

Gross receipts, four thousand two hundred dollars, and not exceeding five thousand dollars, salary, one thousand six hundred dollars.

Gross receipts, five thousand dollars, and not exceeding six thousand dollars, salary, one thousand seven hundred dollars.

Gross receipts, six thousand dollars, and not exceeding seven thousand dollars, salary, one thousand eight hundred dollars.

Gross receipts, seven thousand dollars, and not exceeding eight thousand dollars, salary, one thousand nine hundred dollars.

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish the Department with certified copies of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case. (Act of March 3, 1883, 22 Stats., § 1, 600.)

NOTE.—This readjustment is made annually during the fourth quarter of the fiscal year, to take effect with the beginning and endure throughout the ensuing fiscal year, upon the basis of the four quarterly returns preceding such adjustment covering the period of the preceding year ending March 31.

Sec. 458. Compensation of Postmasters pro tem.—Any person performing the duties of postmaster, by authority of the President, at any post-office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster; and all services heretofore rendered in like cases shall be paid for under this provision. (Act of March 3, 1879, § 31, 20 Stats., 362.)

NOTE.—He is entitled to the compensation while he performs the duties of the sus-

pended officer, and if such suspension is not confirmed by the Senate by appointment of a successor and the suspended officer resume the office, the latter is entitled to the salary from the time he actually resumes the office. (*Embry's Case*, 12 Ct. of Claims R., 455.) Inspectors placed in charge of a post-office, under section 447, are not entitled to other compensation than their salary and per diem as inspectors. (Section 28.)

Sec. 459. Compensation of Fourth-Class Postmasters.—That the compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps (provided for in section two hundred and seventy of the revised laws and regulations, edition of eighteen hundred and seventy-nine [section 557]), and on postage stamps, official stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled on matter actually mailed at their offices, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely: On the first fifty dollars or less per quarter, one hundred per centum; on the next one hundred dollars or less per quarter, sixty per centum; on the next two hundred dollars or less per quarter, fifty per centum; and on all the balance, forty per centum, the same to be ascertained and allowed by the Auditor of the Treasury for the Post-Office Department in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the compensation of any postmaster of this class shall reach two hundred and fifty dollars for four consecutive quarters each, exclusive of commissions on money-order business, and when the returns to the Auditor for four consecutive quarters shall show him to be entitled to a compensation in excess of two hundred and fifty dollars per quarter, the Auditor shall report such fact to the Postmaster-General, who shall assign the office to its proper class, and fix the salary of the postmaster as provided by section one of this act: *Provided further*, That in no case shall there be allowed to any postmaster of this class a compensation greater than two hundred and fifty dollars in any one of the first three quarters of any fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sum as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of one thousand dollars, exclusive of money-order commissions. (Act of March 3, 1883, § 2, 22 Stats., 602.)

AS TO PENALTY FOR FALSE RETURNS OF CANCELLATION, see sec. 259.

MONEY ALLOWANCES.

Sec. 460. To What Offices and For What Made.—The Postmaster-General may allow to the postmaster at New York City, and to the post-

masters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General. (R. S., § 3860.)

NOTE.—The statute which fixed the commissions referred to in the foregoing sections for offices of the first three classes, the act of July 12, 1876 (§ 7, 14 Stats., 80), has been repealed, but as no later one has been passed relating to such offices, the rule remains as the basis of computation to determine the limitations of the above section. The commissions there provided were as follows:

1. The actual box rents, not exceeding \$1,350, when the boxes are supplied and owned by the postmaster; and two-thirds of the box rents, and not to exceed \$1,000, when the boxes are not supplied and owned by the postmaster.

2. Commissions added to the box rents, as above ascertained, as follows:

On the first \$100 per quarter, 60 per centum.

On all over \$100, and not over \$300 per quarter, 50 per centum.

On all over \$300 and not over \$700 per quarter, 40 per centum., and 30 per centum on all over \$700 per quarter to an aggregate not exceeding \$1,350; and

At offices where the total revenues exceed \$4,000 per annum, in addition to the above allowed amounts for box rents and commissions, a percentage on the gross revenues per annum as follows:

On all over \$4,000, and not over \$10,000, one per centum.

On all over \$10,000, and not over \$20,000, nine-tenths of one per centum.

On all over \$20,000, and not over \$40,000, eight-tenths of one per centum.

On all over \$40,000, and not over \$80,000, six-tenths of one per centum.

On all over \$80,000, and not over \$160,000, five-tenths of one per centum.

On all over \$160,000, and not over \$320,000, four-tenths of one per centum.

On all over \$320,000, and not over \$640,000, three-tenths of one per centum.

On all over \$640,000, and not over \$1,280,000, two-tenths of one per centum.

On all over \$1,280,000, one-tenth of one per centum.

Sec. 461. Allowance for Clerks at Separating Post-Offices.—That the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices, and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties. (Act of July 12, 1876, § 11, 19 Stats., 82.)

NOTE.—It is discretionary with the Postmaster-General to grant or withhold such allowance. The postmaster cannot claim it of right, nor set it up as a claim against the United States, when sued upon his bond. (*United States v. Davis, Deady*, 294.)

Sec. 462. Clerk Hire for Money-Order Service.—That from and after the first day of July, eighteen hundred and eighty-six, the allowances for clerk hire made to postmasters of first and second class post-offices, by the Postmaster-General, out of the annual appropriation for clerks in

post-offices, shall cover the cost of clerical service of all kinds in such post-offices, including the cost of clerical labor in the money-order business; and that all laws or parts of laws inconsistent or in conflict herewith are hereby repealed. (Act of June 29, 1886, § 1, 24 Stats., 87.)

That from and after the first day of July, eighteen hundred and eighty-six, the allowances for clerk hire in money-order business shall not be separately made, but shall be included in the general allowances for clerk hire, and shall be based upon, but not to exceed, the rates specified in the fourth section of the act of March third, eighteen hundred and eighty-three (see section 1244); and at all money-order exchange offices which are now or may hereafter be established, additional allowances for clerk hire may be made as provided in said section for international exchange offices; and postmasters at offices of the first and second classes shall not receive any compensation in addition to their salaries for the transaction of the money-order and postal-note business. (Act of June 29, 1886, § 2, 24 Stats., 87.)

Sec. 463. Allowances for Extraordinary Business.—Whenever unusual business accrues at any post-office, the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business. (R. S., § 3863.)

NOTE.—The clause “and a proportionate increase of salary” has been repealed by implication by the act of March 3, 1883 (above quoted), providing for the adjustment of salaries and compensation.

Sec. 464. Clerks and Employés; their Appointment, Duties, Salaries, &c.—The number, grades, and compensation of clerks for post-offices, where allowance for clerk hire is made, are fixed by the Postmaster-General. They are employed and are under the direct supervision of the postmaster (except as provided in section four hundred and ninety-eight), who is held responsible for their acts. At post-offices embraced in the classified postal service under the civil service act (see section 497) the appointments are made under the civil service rules. The postmaster at each office of the first and second classes must, annually, on or before the first day of January, submit to the First Assistant Postmaster-General for approval the plan of the organization of his post-office, with a roster or list of all clerks and other persons employed therein, stating the duties and compensation of each. On the examination of this roster allowances will be made, fixing number and grade; and the same must not be changed until ordered by the Department. All removals and new employments must be reported to the First Assistant Postmaster-General as soon as made.

Every assistant postmaster, clerk, or employé must, before entering

upon his duties, take the oath of office upon the form furnished by the Department, and the postmaster must transmit the same to the First Assistant Postmaster-General (Bond Division). Written forms will not be accepted.

Sec. 465. Allowances; how Made, &c.—Expenditures for clerk hire, rent, fuel, and light will be fixed by order specifying the allowance for each, which shall so remain until otherwise ordered; and other allowances for furniture and miscellaneous and incidental expenses will be made only under special orders specifically for each expenditure. Such allowances will in no case exceed the surplus revenue, as limited by section four hundred and sixty. No postmaster can have credit on account of any allowance, except to the extent of the money actually disbursed by him accordingly, and for which he renders proper vouchers. (Sections 222, 247.) No allowance will be made at any third or fourth class office, other than at separating offices under section four hundred and sixty-one, except by the direct order of the Postmaster-General.

Sec. 466. Leasing of Post-Offices.—Buildings for post-offices of the first and second classes will be leased directly by the Department in the name of the United States for such term of years as may be agreed upon, usually five; and, when such a lease shall be made, the allowance for rent will be limited to the rental stipulated therein. No authority exists in the Department to bind the United States for a longer term than the period of the appropriation; but inasmuch as the appropriation is annually renewed in general terms, the authority is exercised conditionally.

NOTE.—Leases to the Government entered into under an appropriation for one fiscal year, though for a term of years, are binding on the lessee, the Government, only for the year covered by the appropriation act, but the extended term named in the lease in effect gives an option to the Government to continue it, holding, if sufficient appropriation be made, until the expiration of the designated term. (*McCullum v. United States*, 17 Ct. Claims, 92.) And by holding the premises even after the term has expired, the Government may, under the operation of State laws, be liable as a tenant from year to year. (Opinion Attorney-General, July 1, 1885.) When a lease for three years is made subject to the ratification of Congress, which, after appropriating two years, directs the Postmaster-General to deliver up possession unless the owner will accept a reduced rent for the third, and he makes no demand for possession, he will be deemed to have acquiesced in the proposed reduction. (*Bradley v. United States*, 13 Ct. Claims, 166.)

SUPPLIES TO POSTMASTERS.

Sec. 467. Uniform Canceling Ink.—That the Postmaster-General be, and he is hereby, authorized to adopt a uniform canceling ink or other appliance for canceling stamps, which experiments and tests have proved or may prove to be the most practicable and the best calculated to pro-

fect the revenues of the Department from the frauds practiced upon it, to be used in all the post-offices where stamps are canceled, and he is hereby authorized to distribute said canceling ink or other appliance in the same manner as other supplies are now distributed to the different post-offices in the United States; and to this end the Postmaster-General is hereby authorized to use any funds of said Department heretofore applicable: *Provided*, The same shall not increase the expenditures of said Department for the purposes named in this section. (Act of June 20, 1878, § 1, 20 Stats., 240.)

Under this statute and annual appropriation acts all postmasters will be supplied upon their requisitions, through the Division of Post-Office Supplies, with necessary canceling ink, marking and rating stamps, and stamping pads.

Sec. 468. Blanks.—The Postmaster-General may establish a blank agency for the Post-Office Department, to be located at Washington, District of Columbia. (R. S., § 400.)

Blanks of every kind necessary for the performance of the duties of postmasters, including record books and returns, are under this authority prepared by the Department and supplied to postmasters, through the Division of Post-Office Supplies, upon their requisitions, according to their necessities. A list of blanks, with their appropriate numbers, which should invariably be given in requisitions, is appended at the foot of this chapter.

Sec. 469. Other Supplies.—Facing-slips are furnished to all offices, as may be necessary. Wrapping paper and twine may be issued to postmasters at offices whose gross receipts exceed one hundred dollars per annum; but in smaller offices the necessity and the occasion therefor must be shown by the requisition.

Offices whose annual gross receipts are four hundred dollars or more are supplied with letter balances of four pounds, and offices required to weigh second-class matter, with the necessary scales.

Stationery is supplied to postmasters of the first and second classes.

All specific supplies are furnished only on requisition sent to the First Assistant Postmaster-General (Division of Post-Office Supplies).

Sec. 470. Care and Economy in Use of Supplies.—Postmasters will exercise care to avoid wastefulness in their offices in the use of supplies, as small waste in each office amounts to large aggregate. Stationery furnished should be applied only to official use. Wrapping paper and twine that have been used should, when fit, be used again.

Sec. 471. Postal Balances in Metric System.—The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances de-

nominated in grams of the metric system, fifteen grams of which shall be the equivalent, for postal purposes, of one-half ounce avoirdupois, and so on in progression. (R. S., § 3880.) (See section 617.)

Sec. 472. Facing Slips, Schemes, Labels, &c.—Postmasters can also obtain such facing slips, printed, wooden, or slide labels as may be needed for the use of their offices, as well as official schemes of distribution or information relating thereto, by applying to the division superintendent of Railway Mail Service in whose division their post-offices are located. (See section 552.)

Sec. 473. List of Blanks and Directions in Applying Therefor.—Postmasters are furnished with a blank requisition on which to make application for blanks. In filling it out care should be taken to give the name of the office, county, State, and postmaster, legibly written.

LIST OF BLANKS USED AT PRESIDENTIAL AND LETTER CARRIER OFFICES.

- (1091—K. D.) Receipt of Postmaster for Deposit.
- (1092—K. D.) Receipt of Box-renter for Refundment.
- (1500) Clerks' Pay-Rolls.
- (1501) Letter Carriers' Pay-Rolls.
- (1501½) Substitute Carriers' Pay-Rolls.
- (1502) Letter Carriers' Delivery Bill.
- (1503) Letter Carriers' Monthly Report.
- (1504) Letter Carriers' Quarterly Report.
- (1505) Requisition for Blanks.
- (1506) Requisition for Stamps from Retail Clerk.
- (1507) Notice of Box Rent Due.
- (1509) Books—Letter Carriers' Daily Reports.
- (1510) Report of Lost Letters.
- (1511) Detailed Statement of Stamps and Envelopes.
- (1512) Canada Mail Bills.
- (1513) Notice of a Package too large to be delivered by the Carrier.
- (1514) Books, Letters Returned by Carriers.
- (1515) Circular for tracing Lost Stamps.
- (1516) Circular to Postmaster concerning Lost Letter.
- (1517) Circular Reply of Postmaster to same.
- (1518) Circular Reply to Person inquiring for Lost Letter.
- (1519) Affidavit in reference to Lost Letter.
- (1520) Reply to request to forward Letters.
- (1521) Application to Third Assistant Postmaster-General for Dead Letter.
- (1522) List of Unmailable Letters—daily.
- (1522½) List of Unmailable Letters—weekly.
- (1523) Dead-Letter Bill—weekly.
- (1524) Notice to apply for Dead Letter.
- (1525) Notice to apply for Registered Letter.
- (1526) Voucher.
- (1527) Books Letter Carriers' Time of Arrival, &c.

- (1528) Notice to Publisher to discontinue sending Publication.
- (1529) Request to Return Mail Bags.
- (1530) Receipt for Mail Bags.
- (1531) Receipt for Letter returned to Writer.
- (1532) Account of Ship and Steamboat Letters Received.
- (1533) Substitute's Certificate.
- (1534) Card Notice for Re-addressed and Forwarded Matter.
- (1535) Ship-Letter Receipts.
- (1536) Circular for Tracing Lost Registered Packages.
- (1537) Box Accounts.
- (1538) Receipt for Box Rent.
- (1539) Requisitions for Postmarking Stamps, Letter Balances, &c
- (1540) Unclaimed Package Notice.
- (1541) Route Changes, for Letter Carrier Offices, in Tablets.
- (1542) Voucher for Letter-Carrier Offices.
- (1543) Card Notice—"Held for Postage."
- (1544) Books Postal Clerk Receipts for Registered Letters Delivered.
- (1545) Sheets Postal Account (Presidential.)
- (1546) Pay-Rolls for Railway Postal Clerks.
- (1547) Books Registered Letters Received and Delivered.
- (1548) Registered Return Receipt Cards. "Melon."
- (1549) Books Receipts for Registered Letters Despatched.
- (1550) Registered Letter Card Bills. "Grey."
- (1551) Signature Registered Letter Bills, in sheets.
- (1553) Books Registered Matter in Transit.
- (1554) Labels for Presidential Quarterly Returns.
- (1556) Card Receipts for Registered Packages. "Yellow."
- (1557) Abstracts of Payments, &c.
- (1559) Detailed Statement of Vouchers accompanying Quarterly Return.
- (1560) Letter Carrier's Receipt Books for Registered Letters Delivered.
- (1561) Dead-Letter Bills for Letter-Carrier Offices.
- (1563) Railway Postal Clerk Receipts for Service Performed.
- (1564) Route Books for Letter-Carrier Office.
- (1565) Weekly Transcripts of Deposits Received.
- (1566) Books, Certificates of Deposit.
- (1568) Notice to Publisher to change Address of Publication.
- (3044 a) For Transmittal of Deposits—monthly.
- (3201) Order to the Department for Postage Stamps.
- (3202) Order to the Department for Request Envelopes.
- (3203) Requisition for Newspaper Stamps.
- (3235) Quarterly Statement of Postage collected on Newspapers, &c.
- (3240) Report of Stamps Sold.
- (3282) Requisition for Free Post-Office Envelopes.
- (3285) Requisition for Unpaid Postage-Due Stamps.
- (3343) Requisition for Newspaper and Periodical Stub Books.
- (3354) Requisition for 2-cent Letter-sheet Envelopes.
- (3356) Report of 2-cent Letter-sheet Envelopes sold, etc.
- (3848) Quarterly Report of Registered Letters Transmitted.
- (3856) Registry Circular of Inquiry.
- (3950) Messengers' Pay Rolls—Special Delivery.

- (3951) Messengers' Delivery Books—Special Delivery.
- (3952) Postmasters' Report of Special Delivery—quarterly.
- (3953) Record of Mail Matter for Special Delivery—bound.
- (3953 a) Record of Mail Matter for Special Delivery—sheet form.
- (3954) Receipt for Special-Delivery Matter Delivered.

LIST OF BLANKS USED AT FOURTH-CLASS OFFICES.

- (1507) Notices of Box Rent Due.
- (1516) Circular to Postmaster concerning Lost Letter.
- (1517) Circular Reply of Postmaster to same.
- (1518) Circular Reply to Person inquiring for Lost Letter.
- (1519) Affidavit in reference to Lost Letter.
- (1520) Reply to request to forward Letters.
- (1521) Application to Superintendent Dead-Letter Office for Dead Letter.
- (1522½) List of Unmailable Letters.
- (1523) Dead-Letter Bill—monthly.
- (1525) Notice to apply for Registered Letter.
- (1526) Voucher.
- (1528) Notice to Publisher to discontinue sending Publication.
- (1536) Circular for Tracing Lost Registered Packages.
- (1538) Box Rent Receipts.
- (1539) Requisitions for Postmarking Stamps, Letter Balances, &c.
- (1543) Card Notice—"Held for Postage."
- (1567) Requisition for Blanks.
- (3044) For Transmittal of Deposits.
- (3201) Order to the Department for Postage Stamps.
- (3202) Order to the Department for Request Envelopes.
- (3203) Requisition for Newspaper Stamps.
- (3235) Quarterly Statement of Postage collected on Newspapers, &c.
- (3848) Quarterly Report of Registered Letters Transmitted.
- (3282) Requisition for Free Post-Office and Registered Package Envelopes.
- (3285) Requisition for Postage-Due Stamps.
- (3856) Registry Circular of Inquiry.
- (1558) Sheets Accounts-Current and Transcript Combined.
- (1547) Books Registered Letters Received and Delivered.
- (1548) Registered Return Receipt Cards. "Melon."
- (1549) Books Receipts for Registered Letters Dispatched.
- (1550) Registered Letter Card Bills. "Groy."
- (1553) Books Registered Matter in Transit.
- (1556) Card Receipts for Registered Packages. "Yellow."
- (3953a) Record of Mail Matter for Special Delivery. (Sheet form.)
- (3954) Receipt for Special-Delivery Matter Delivered.

CHAPTER SEVENTEEN.

THE ORGANIZATION AND GENERAL MANAGEMENT OF POST-OFFICES; THEIR CLERKS AND EMPLOYÉS.

Sec. 474. Postmasters to Keep an Office.—Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster-General may direct, for the purpose of receiving, delivering, making up, and forwarding all mail matter received thereat. (R. S., § 3839.)

Sec. 475. No Post-Office to be Located in Bar-room.—No post-office shall be located in bar-room, or in any room directly connected therewith; nor must any mail be opened or any mail matter be delivered in any room in which liquor is sold at retail, except such liquors are sold by a druggist for medicinal purposes only and not to be drunk on the premises. (See section 478.)

Sec. 476. Other Business at Fourth-Class Post-Offices.—Postmasters at post-offices of the fourth class will be permitted to transact other business in the same room in which the post-office is located; but such other business must be kept separate and distinct from that of the post-office.

Sec. 477. Postmasters not to Act as Lottery Agents.—No postmaster shall act as agent for any lottery office, or under any color of purchase, or otherwise, vend lottery tickets; nor shall he receive or send any lottery scheme, circular, or ticket free of postage. For any violation of this section the offender shall be liable to a penalty of fifty dollars. (R. S., § 3851.)

For other provisions affecting postmasters in respect to lotteries, see section 379.

Sec. 478. Loungers or Disorderly Persons not Permitted in Post-Office.—A postmaster must not allow his post-office to become the resort for loungers or disorderly persons, or the scene of dispute or controversy; and whenever necessary he should invoke the aid of the civil authorities to expel violators of this rule.

He is also required to keep his post-office, at all times, in such a clean and orderly condition that it may be visited by women and children and others without impropriety or embarrassment.

He is not authorized to exclude the public from the lobby of his office during the distribution of the mail, but may enforce the observance of good order, and may prohibit smoking there. When the local authorities refuse to preserve order in a post-office at the request of the postmaster, he should close the office.

Sec. 479. Advertisements, &c., in Post-Offices.—Postmasters are strictly forbidden to place or permit to be placed upon the walls, or otherwise

for public exhibition, within the post-office, or lobby thereto, or on any portion of the post-office premises, business cards, circulars, placards, handbills, or advertisements of private business; and, also, pictures, cartoons, placards, handbills, or other documents or advertisements of a political character, or relating to any election, or designed to influence elections in favor of any candidate; except that they may allow, for the convenience of the public, bulletin boards to be placed in their offices, or may set apart some convenient place, where notices of public assemblies, political meetings, caucuses and conventions, judicial sales, and other like announcements, whether printed or written, may be displayed; but the privilege of using them must be afforded without discrimination of party or sect. They are also forbidden to use their official signatures as an advertisement of wares sold by them, or to stamp their own or any other person's advertisement upon mail matter passing through their hands.

Sec. 480. Personal Conduct of Officials.—

EXECUTIVE MANSION,
WASHINGTON, *July 14, 1886.*

To the heads of Departments in the service of the General Government:

I deem this a proper time to especially warn all subordinates in the several Departments, and all office holders under the General Government, against the use of their official positions in attempts to control political movements in their localities.

Office holders are the agents of the people—not their masters. Not only is their time and labor due to the Government, but they should scrupulously avoid, in their political action as well as in the discharge of their official duty, offending by a display of obtrusive partisanship their neighbors who have relations with them as public officials.

They should also constantly remember that their party friends from whom they have received preferment have not invested them with the power of arbitrarily managing their political affairs. They have no right as office holders to dictate the political action of their party associates, or to throttle freedom of action within party lines by methods and practices which pervert every useful and justifiable purpose of party organization.

The influence of Federal office holders should not be felt in the manipulation of political primary meetings and nominating conventions. The use by these officials of their positions to compass their selection as delegates to political conventions is indecent and unfair; and proper regard for the proprieties and requirements of official place will also prevent their assuming the active conduct of political campaigns.

Individual interest and activity in political affairs are by no means

condemned. Office holders are neither disfranchised nor forbidden the exercise of political privileges; but their privileges are not enlarged, nor is their duty to the party increased to pernicious activity by office holding.

A just discrimination in this regard between the things a citizen may properly do and the purpose for which a public office should not be used is easy in the light of a correct appreciation of the relation between the people and those intrusted with official place, and a consideration of the necessity under our form of government of political action free from official coercion.

You are requested to communicate the substance of these views to those for whose guidance they are intended.

GROVER CLEVELAND.

The foregoing regulation has peculiar application to postmasters, and its spirit should guide their conduct in all official intercourse with the public. They are servants of the people in that branch of governmental service which ministers most to their immediate personal convenience and interests and comes in closest contact with all. Enjoyment of its privileges compels persons of both sexes, of all ages, of various conditions, of different nationalities, of every opinion, to visit the post-office with frequency. They transact business generally small in external details, but of deep interest or value to them, and, in the aggregate, of vast magnitude and great importance to the country. All, of every degree, condition, and private opinion, are entitled of right to a kindly service by their Government, with attention, civility, and accommodating assistance on the part of its agents, and especially without offense to their sensibilities. The postmaster must therefore be patient, courteous and helpful in transacting his business, compel his clerks to similar conduct or dismiss them, and so govern himself and them that every proper visitor may leave gratified by good treatment. Advantage of the enforced opportunity should never be taken to subject visitors to the public office either to proselyting attempts to convert them or to other wounds of feeling by expressions in opposition to their opinions, political, religious, or otherwise.

The regulation forbids, further, that the postmaster should install himself as the manipulator of the political affairs of his own party. He is not thereby abridged of his privileges as a citizen, but restrained from encroachment on those of his fellow citizens. Such a line of conduct as is interdicted would expose him to the imputation of a conscious failure to earn his salary by his service, or of scheming to maintain or advance himself by other means than excellence in performance of

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

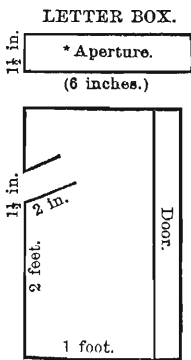
and departures of mails, and of employés of the Railway Mail Service), all maps, blanks, stationery, all stamps and stamped paper, and other articles which have either been furnished to him as postmaster or have been charged for and allowed at any time, and which may remain on hand when the vacancy or 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