

US Postal Laws & Regulations

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Revenues POD



Table Of Contents

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	<u>Pages</u>
Accounting forms (9 pages)	504-512
Accounts, postmaster (10 pages)	107-116
Advertised (3 pages)	244-245, 250
Annual reports (4 pages)	62-65
Audits (7 pages)	116-122
Backstamping (1 page)	232
Bad order (1 page)	223
Blanks (3 pages)	204-206
Boxes (2 pages)	213-214
Canada (1 page)	171
Cards (7 pages)	29, 86-88, 246-248
Carriers (15 pages)	104-105, 259-271
Clerks (4 pages)	216-219
Commercial papers (2 pages)	167-168
Contracts (3 pages)	58-60
Corner cards (7 pages)	29, 86-88, 246-248
Crimes, postal (16 pages)	487-502
Dead letter office (15 pages)	27-28, 81, 182-186, 226, 242-243, 248-251
Delivery of mail (16 pages)	236-241, 387-396
Difficiency in address supplied (1 page)	251
Domestic mail matter (27 pages)	135-161
Drop letters (3 pages)	136-138
Exchange offices (-8 pages)	254-245
Expenditures (9 pages)	99-107
Fictitious (2 pages)	241, 250
Finances (32 pages)	44-75
First-class mail matter (5 pages)	135-138, 219
Foreign mails (34 pages)	26-27, 161-182, 254-259, 324-327
Forms (3 pages)	204-206
Forwarding (5 pages)	235-236, 281, 390, 405
Fourth-class mail (4 pages)	153-156
Franking privilege (2 pages)	175-176
Fraudulent (3 pages)	159, 396-397
Free matter (9 pages)	174-182
Held for postage (3 pages)	158, 230, 251
Hotel matter (1 page)	250
Incoming mail (22 pages)	231-252
Index (71 pages)	527-597
Inquiries (2 pages)	399-400
Irrelative duties (5 pages)	76-80
Lotteries (3 pages)	158-159, 230
Mail delivery (6 pages)	236-241
Mail in transit (9 pages)	23-31
Mail matter (67 pages)	219-285
Mail messenger service (2 pages)	303-304
Mexico (2 pages)	172-173
Misdirected (3 pages)	158, 224, 230
Missent mail (1 page)	230
Money orders (6 pages)	25-26, 82, 122-124
Money orders, domestic (45 pages)	423-448, 467-485
Money orders, international/foreign (20 pages)	448-467
Newspaper stamps (2 pages)	86, 90
Obscene (4 pages)	158-160, 230

Official matter (-167 pages)	176-8
Organization (36 pages)	9-44
Out of mails (5 pages)	288-292
Outgoing mail (8 pages)	228-230, 376-380
Penalties (9 pages)	125-133
Penalty envelopes (3 pages)	176-178
Periodical stamps (1 page)	90
Post offices (10 pages)	187-188, 210-216, 220
Post roads (3 pages)	293-295
Postage due stamps (2 pages)	91, 234
Postal cards (5 pages)	83-84, 137, 167, 247
Postal notes (9 pages)	477-485
Poste restante (1 page)	404
Postmarking (1 page)	223-223
Postmasters (25 pages)	188-212
Printed matter (2 pages)	167-168
Printing (3 pages)	67-69
Railway mail service (46 pages)	21-22, 105-107, 295-303, 343-371, 419-421
Rates, fees (10 pages)	136-137, 150-151, 156, 170-173, 374
Receiving offices (22 pages)	231-252
Refused mail (3 pages)	247, 398-399
Registration, domestic mail (44 pages)	29, 373-401, 408-421
Registration, foreign mail (8 pages)	401-408
Request matter (3 pages)	246-248
Return receipt (3 pages)	377-378, 403
Returned for better direction (1 page)	230
Returned mail (2 pages)	397-398
Revenues POD (19 pages)	81-99
Safety of the mails (10 pages)	333-342
Sailers' letters (2 pages)	136-137
Samples of merchandise (2 pages)	167, 169
Second-class mail (16 pages)	138-150, 242, 247-248
Ship letters (3 pages)	327-329
Soldiers' letters (2 pages)	136-137
Special delivery service (12 pages)	271-282
Special delivery stamps (2 pages)	29, 91
Special request envelopes (3 pages)	86-88
Stamped envelopes (7 pages)	83-89
Stamps (14 pages)	82-92, 122-124
Star routes (4 pages)	220-221, 305-306
Statutes, index to (-489 pages)	515-25
Steamboat (-923 pages)	305-6, 317-8, 327-9
Table of contents (2 pages)	7, 8
Third-class mail (4 pages)	150-153
Transit mail (2 pages)	230-231
Transportation of the mails (56 pages)	287-342
Unclaimed mail (4 pages)	246-247, 249-250
Underpaid mail (5 pages)	232-235, 391
Universal Postal Union (4 pages)	162-165
Unmailable matter (12 pages)	158-161, 170-172, 224-226, 243-244
Unpaid mail (4 pages)	224, 233-234, 391
Weather reports (1 page)	221
Withdrawal of mail (4 pages)	226-228, 297
Women (1 page)	33

PART II.

THE POSTAL SERVICE.

TITLE II.

THE FISCAL SYSTEM OF THE POSTAL SERVICE.

CHAPTER FOUR.

OF THE REVENUES.

Sec. 148. The Revenue System.—The revenues for the maintenance of the postal service are derived from:

- (1) Postages, box rents, and miscellaneous receipts by postmasters.
- (2) The net proceeds of the money-order business.
- (3) Transportation of mails for foreign countries.
- (4) Fines, penalties, and forfeitures imposed for violation of postal laws.
- (5) Dead letters.
- (6) Miscellaneous sources.
- (7) Appropriations by Congress, when necessary, from the General Treasury.

Revenues from all sources but the first named go direct into the General Treasury for the use of the Post-Office Department.

Mainly the revenues are collected by postmasters, and are applied in part to the expenditures of the service, under the law and special orders, by postmasters. All revenues not so expended are deposited by postmasters with their respective district depositaries, or with the Treasurer or some Assistant Treasurer of the United States, through whom the moneys are turned into the Treasury. No postmaster can otherwise turn over any moneys so as to receive credit therefor, except upon special written orders from the Postmaster-General. The De-

partment at Washington never receives or handles any portion of such revenues collected by postmasters. (See section 183.)

Sec. 149. Post-Office Receipts.—All postages, box rents, and other receipts at post-offices shall be accounted for as part of the postal revenues; and each postmaster shall be charged with and held accountable for any part of the same accruing at his office, which he has neglected to collect, the same as if he had collected it. (R. S., § 4051.)

Sec. 150. Money Order and Other Receipts.—Unclaimed money in dead letters, for which no owner can be found; all money taken from the mail by robbery, theft, or otherwise, which may come into the hands of any agent or employé of the United States, or any other person whatever; all fines and penalties imposed for any violation of the postal laws, except such part as may by law belong to the informer or party prosecuting for the same; and all money derived from the sale of waste paper or other public property of the Post-Office Department, shall be deposited in the Treasury, under the direction of the Postmaster-General, as part of the postal revenue. And the Postmaster-General shall cause to be placed to the credit of the Treasurer of the United States, for the service of the Post-Office Department, the net proceeds of the money-order business; and the receipts of the Post-Office Department derived from this source during each quarter shall be entered by the Sixth Auditor in the accounts of such Department, under the head of "revenue from money-order business." (R. S., § 4050.)

Receipts from transportation of the mails for foreign countries arise under the Postal Union Convention and other postal treaties, and the balances of account due the United States upon periodical adjustments are paid by remittances to the Department and deposited in the Treasury as "letter postages paid in money."

As to receipts from fines, penalties, and forfeitures, see section 303.

As to Department sales of waste paper, &c., see sections 63, 64.

Sec. 151. Return of Stolen Property to Owners.—Whenever the Postmaster-General is satisfied that money or property stolen from the mail, or the proceeds thereof, has been received at the Department, he may, upon satisfactory evidence as to the owner, deliver the same to him. (R. S., § 4053.)

PROVISION OF STAMPS AND STAMPED PAPER.

Sec. 152. Postage Stamps for Payment of Postage.—The Postmaster-General shall prepare postage stamps of suitable denominations, which, when attached to mail matter, shall be evidence of the payment of the postage thereon. (R. S., § 3914.)

As to contracts for their manufacture and the stamp agent, see sections 84 *et seq.*, 41.

Sec. 153. Postage Stamps: Kinds and Denominations.—Of postage stamps, three kinds, each consisting of various denominations, are provided, viz: Ordinary stamps, which are used to prepay postage on ordinary mail matter of the first, second, third, and fourth classes and registration fees; postage-due stamps, which are used for the collection of unpaid postage; newspaper and periodical stamps, which are used to pay postage on second-class matter which is entitled to pound rates.

Authoritative description of these stamps, when changes are made, is furnished through the Official Guide.

Sec. 154. Special Delivery Stamps, of the denomination of ten cents, are provided under the act of March 3, 1885 (see section 665); and, except that no commissions are allowed on their cancellation, they are supplied, sold, and accounted for as revenues in the same manner as other stamps; the amount allowed the postmaster for delivery being chargeable as expenditure.

Sec. 155. Stamped Envelopes.—The Postmaster-General shall provide suitable letter and newspaper envelopes, with such water-marks or other guards against counterfeits as he may deem expedient, and with postage stamps with such device and of such suitable denominations as he may direct, impressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage stamps impressed thereon; but no stamped envelope furnished by the Government shall contain any lithographing or engraving, nor any printing except a printed request to return the letter to the writer. Letters and papers inclosed in such stamped envelopes shall, if the postage stamp is of a denomination sufficient to cover the postage properly chargeable thereon, pass in the mail as prepaid matter. (R. S., § 3915.) (See section 415.)

Sec. 156. Kinds of Stamped Envelopes.—Of stamped envelopes, two kinds, each consisting of various sizes, qualities of paper, and denominations, are provided, viz: Ordinary, which may be either plain or bear a blank request to return; and special request, which bear a printed request for the return of unclaimed letters, with the name and post-office address printed in full, and which are furnished by the Department without extra charge for such printing.

Sec. 157. Postal Cards.—To facilitate letter correspondence, and to provide for the transmission in the mails, at a reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster-General is authorized and directed to furnish and issue to the public, with postage stamps impressed upon them, "postal cards," manufactured of good

stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster-General, and when so used shall be transmitted through the mails at a postage charge of one cent each, including the cost of their manufacture. (R. S., § 3916.)

For regulations governing their mailability see section 324.

Sec. 158. Postal Cards for Foreign Use.—And the Postmaster-General is hereby authorized to furnish and issue to the public postal cards with postage stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June first, eighteen hundred and seventy-eight, at a postage charge of two cents each, including the cost of their manufacture. (Act of March 3, 1879, § 1, 20 Stats., 357.)

The ordinary postal card may, by affixing an additional one cent adhesive postage stamp, be used for such purpose.

Sec. 159. Letter-sheet Envelopes, and Double Postal Cards.—That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage stamps of the denominations now in use on ordinary envelopes shall be placed. And the Postmaster-General is also authorized to introduce and furnish for public use a double postal card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal card; said letter-sheet and double postal card and double envelope to be issued under such regulations as the Postmaster-General may prescribe. * * * *And provided,* that no money shall be paid for royalty or patent on any of the articles named. (Act of March 3, 1879, § 32, 20 Stats., 362.)

A letter-sheet envelope has been provided of one denomination with a two-cent stamp impressed thereon, but is furnished only to presidential offices for sale.

Sec. 160. Improvements in Stamps and Envelopes.—The Postmaster-General may, from time to time, adopt such improvements in postage stamps and stamped envelopes as he may deem advisable; and when any such improvement is adopted, it shall be subject to all the provisions herein respecting postage stamps or stamped envelopes. (R. S., § 3917.)

Sec. 161. Other Provisions Affecting Stamps, &c.—The words, "obligation or other security of the United States" shall be held to mean * * * stamps and other representatives of value, of whatever de-

nomination, which have been or may be issued under any act of Congress. (R. S., § 5413.) No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States while the original of such portrait is living. (R. S., § 3576.)

And it is made a penal offense to design, engrave, print, or in any manner make, execute, or utter any business or professional card or advertisement on any security of the United States.

STAMP SUPPLIES TO POSTMASTERS.

Sec. 162. To be Furnished and Sold.—Postage stamps and stamped envelopes shall be furnished by the Postmaster-General to all postmasters, and shall be kept for sale at all post-offices; and each postmaster shall be held accountable for all such stamps and envelopes furnished to him. (R. S., § 3918.)

Sec. 163. Postmasters not Supplied until Commissioned nor when Delinquent.—No postmaster will be supplied with stamps or stamped paper until his commission shall have been duly issued; and no postmaster who has failed to render any quarterly returns to the Auditor will be supplied until all delinquent returns shall have been received.

Sec. 164. Postmasters must Keep Themselves Supplied.—Postmasters must, by timely requisitions in anticipation of their necessities, to be made at any time when so required, keep their offices supplied with adhesive stamps of every kind, with stamped envelopes, newspaper wrappers, and postal cards in sufficient quantity to meet the public demand upon them, generally calculating for at least three months in advance. A failure to do so is reprehensible; but, should it occur, temporary supplies may be purchased from some other post-office. Supplies so purchased they are not required to include in their quarterly returns, nor will the amount of them be reckoned in calculating the business of their offices. On the other hand, if a postmaster lends or transfers stamps or stamped paper to another, without the special order of the Department, he will continue responsible for them and be allowed no credit, nor will the borrower, in case of their loss by fire or otherwise, be allowed credit for them.

Sec. 165. Requisitions.—Requisitions for adhesive stamps of all kinds, for stamped envelopes, newspaper wrappers, and postal cards, must be made upon forms (No. 3201-2-3 and 3285), which will be furnished by the First Assistant Postmaster-General through the Division of Post-Office Supplies. Especial care must be taken to fill the blank form with the names of the post-office, county, and State, the date of the order, the number and amount of each of the several kinds wanted, and also the number and amount of each on hand, together with the average monthly

requirement. The requisition must be signed with ink by the postmaster himself; except that, if he be sick or absent, the assistant may sign the postmaster's name, adding his own as assistant, thus:

RICHARD ROE, *P. M.*,

By JOHN DOE, *Assistant P. M.*

Unless the blank be so properly filled out and signed the requisition will not be honored, but returned for correction, whereby delay will ensue. The requisition must be forwarded to the Third Assistant Postmaster-General (Stamp Division).

Sec. 166. First Requisitions for Newspaper Stamps.—When newspaper and periodical stamps are for the first time ordered, the requisition should be accompanied with a copy of the publication for the mailing of which the stamps are desired, to enable the Department to determine its admissibility to the mails at second-class rates. Unless such a requisition is so made for stamps, as soon as the first newspaper or periodical published to be mailed at the office is presented for mailing, the postmaster will be held for the difference in postage if the publication be adjudged inadmissible at second-class rates.

NOTE.—As to the duty of the postmaster respecting the entry of new publications as second-class matter, see sections 333-336.

Sec. 167. Requisitions for Special-Request Envelopes.—Requisitions for special-request envelopes must be made by postmasters immediately upon receiving orders from parties wanting them, at whatever time in the quarter it may be, and upon the blank form (No. 3202) furnished by the Department for the purpose.

When money, which has been paid to a post-office upon an order for special-request envelopes, is lost or embezzled, the envelopes will be furnished according to the order, and the postmaster held for the money if the loss be chargeable to the fault of himself, his clerks, or employés.

See Sausser's case, 9 Ct. Claims R., 338; Bank of Boston v. U. S., 10 Id., 519; Garfide v. U. S., 11 Id., 601; McCollum v. U. S., 17 Id., 102; Pierce v. U. S., 7 Id., 65; The Floyd Acceptances, 7 Wall., 666.

Sec. 168. Rules Governing the Supply of Special-Request Envelopes.—The following rules will be strictly adhered to in connection with the supply of special-request envelopes:

1. Neither superscriptions nor special devices of any kind will be printed.
2. The printing of cards and requests across the end has been discontinued. In future they will be printed on the upper left-hand corner only.
3. Business avocations or employments will be excluded from cards and requests.

4. Cards and requests must be limited to the following matter, or so much thereof as may be desired, to-wit: First, the name of the writer, whether individual, firm, company, or corporation. Second, the post-office address, including number and name of street, name of city or town, county, and State. The name of the post-office as given for printing must correspond in spelling with that given in the Official Guide. Third, a request to return if not delivered within a given or blank number of days.

5. Should it be desired to leave in blank the post-office address of the party to whom the envelopes are to be made returnable, it must be so stated.

6. When the name and post-office address only are desired, without a request to return, the order must so specify; in which case, by law, the letter will be returnable, if not delivered within thirty days. (See section 592.)

7. No variations will be made in the style of type, the color of ink, or the form of request adopted by the Department; neither will cards or requests be surrounded by borders of any kind.

8. If possible, a printed card should always accompany the order; if not, the matter desired to be printed must be plainly written, in order that mistakes may be avoided.

9. Cards or requests will not be printed on newspaper wrappers, or envelopes for covering circulars.

10. Requests making envelopes returnable to another post-office than that of the postmaster who makes requisition for them will not be printed, unless the party for whose use they are intended is accustomed to receive mail at both places, or some other sufficient reason is given with the postmaster's requisition or plainly written thereon.

Sec. 169. Postmasters to Count Supplies when Received.—Upon receiving any supplies of stamps or stamped paper postmasters are required to count them in the presence of a disinterested witness, to date and sign the receipt, and transmit the same to the Third Assistant Postmaster-General (Stamp Division). In case of any deficiency the affidavit of the postmaster and that of the witness, stating the amount of such deficiency, with all the facts in the case, will be necessary in order to obtain credit therefor; and in every such case the wrapper, label, and box, or wooden case in which the supplies were received should also be transmitted with such affidavit and a letter making the claim to the Third Assistant Postmaster-General, and a record kept by the postmaster of the number, date, address, and all other marks on the same. Receipts must be signed in the same manner as requisitions.

Sec. 170. Damaged Supplies, how Treated.—If any portion of a parcel

of stamps, received upon requisition, be found to be damaged, the postmaster will sign the receipt for the whole amount of the parcel, and, having written across the face of the receipt the number and amount of stamps, envelopes, wrappers, or cards unfit for use, he will return the same, together with the receipt, to the Third Assistant Postmaster-General (Stamp Division), who will give credit for the amount returned. But if the damage be total, the entire number should be returned with the receipt not signed, in order that others may be supplied in their place. The package must be registered, and the postmaster must be able to prove the act of mailing it by a disinterested witness. Postmasters failing to register such packages will not receive credit for the amount alleged to have been returned, in case the same fails to reach the Department. When supplies are damaged by fire or other casualty after they are received, they will be returned to the Third Assistant Postmaster-General (Stamp Division), who will allow credit for the amount thus returned, upon satisfactory evidence that the stamps returned were those with which the postmaster returning them was charged.

Sec. 171. Mistakes in Printing Special-Request Envelopes.—Special-request envelopes which may be refused by the parties ordering them, on account of misprinting or other mistake, should be sent registered to the Third Assistant Postmaster-General (Stamp Division), with a letter of advice. If the mistake occurred through the fault of the Department, or of the manufacturer of the envelopes, credit for their full value will be given in the postmaster's account, and the requisition will be re-filled; if otherwise, credit for the postage value only of the envelopes will be given, and the postmaster should forward a new and correct requisition. The postmaster must not dispose of special-request envelopes to any other than the party for whose use they were ordered.

FOR RULES GOVERNING THE ENTRY OF SUPPLIES on account and returns, see sections 238, 240-243, 244, *et seq.*

DISPOSITION OF STAMPS, ETC.

Sec. 172. Postage Stamps Sold at Discount to Designated Agents.—Postage stamps and stamped envelopes may be sold at a discount to certain designated agents, who will agree to sell again without discount, under rules to be prescribed by the Postmaster-General; but the quantities of each sold to any one agent at any one time shall not exceed one hundred dollars in value, and the discount shall not exceed five per centum on the face value of the stamps, nor the same per centum on the current price of the envelopes when sold in less quantities. (R. S., § 3919.)

This system of selling has been some time since wholly discontinued. No such agents exist or will be appointed; no stamps or stamped paper will be sold at a discount, and no percentage on sales will be allowed under any circumstances.

In the larger cities agencies for the sale of stamps and other post-office service are provided through the postmaster.

Sec. 173. Stamped Envelopes, &c., to be Sold at Cost.—No stamped envelopes or newspaper wrappers shall be sold by the Post-Office Department at less (in addition to the legal postage) than the cost, including all salaries, clerk-hire, and other expenses connected therewith. (Act of July 12, 1876, § 14, 19 Stats., 82.)

Sec. 174. Irregular Sales and Misuse Forbidden.—Postage stamps shall not be sold for any larger sum than the value indicated on their face, nor stamped envelopes for more than is charged therefor by the Post-Office Department for like quantities. Any person connected with the postal service who shall violate this provision shall be punishable by a fine of not less than ten dollars nor more than five hundred. (R. S., § 3920.) And no postmaster of any class, or other person connected with the postal service, entrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department; and any postmaster, or other person connected with the postal service, who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, or be imprisoned for a term not exceeding one year. (Act of June 17, 1873, 20 Stats., 141.)

Sec. 175. Price of Stamped and Letter-Sheet Envelopes.—The Postmaster-General fixes by order, from time to time, the prices at which letter-sheet envelopes, and the various sizes, qualities, and denominations of stamped envelopes and newspaper wrappers will be sold to the public, singly or in parcels of different numbers, depending upon the cost of production; and information of these prices is furnished to postmasters and the public by circulars from the Department. The prices so fixed, must, without change, govern their sale by postmasters and all persons intrusted with their sale or custody.

Postmasters should be accommodating, but are not required to lose the fractions of cents in selling; if the postmaster cannot readily make change the purchaser must tender the exact price of the quantity wanted.

Sec. 176. Exchange of Postage Stamps Prohibited.—The exchange of postage stamps or stamped envelopes for those of other denominations to accommodate private parties is strictly prohibited, except in redemption of stamped paper as provided in section one hundred and eighty-one.

Sec. 177. Postmasters not Required to Accept Mutilated Currency.—Postmasters are not required by law to redeem or accept in payment of post-office dues, money orders, stamps, or stamped envelopes, any currency which may be so mutilated as to be uncurrent; nor is it any part of their duty to receive and transmit to the Treasury for redemption, mutilated currency belonging to individuals, except as regular mail matter, forwarded in the usual manner, at the risk of the owner, postage prepaid. Such packages are entitled to registration without fee. (Section 1047.)

Sec. 178. What Money not Receivable.—Foreign gold and silver coins, not being a legal tender in the United States, should not be accepted by postmasters, nor should they accept any coins which have been mutilated (perforated or abraded), because the Treasury Department will not receive such coins. If counterfeit money be accepted the postmaster must bear the loss. Minor coins of the United States—five cent, three-cent, and one-cent pieces—are legal tender to the amount of twenty-five cents. (See section 187, *note*.)

Sec. 179. Newspaper and Periodical Stamps are never to be sold to any persons, nor loaned to other postmasters. Their only proper use is to be affixed and immediately canceled on the stub of each receipt given for second-class matter accepted for mailing, at the rate of one cent a pound or fraction thereof. The exact amount should be affixed by using stamps of different denominations, and the stamp must not be cut to alter its value. Ordinary stamps cannot be used for this purpose. Second-class matter, elsewhere defined, must be brought to the post-office and there weighed in bulk, and the true weight stated in the receipt and stub, which will be furnished by the Department in convenient book form. For convenience the postmaster may receive from the publisher of a daily newspaper the deposit of sufficient money in advance to pay more than a single mailing, but must affix the proper stamps to the stub representing each mailing, charging the deposit accordingly, and never exceeding it. Postmasters must return punctually at the end of every quarter, to the Third Assistant Postmaster-

General, by registered mail, in special envelopes provided for the purpose, the stubs of all receipts given for newspaper and periodical postage collected during the quarter, together with the statement required by section two hundred and fifty-six.

Before returning the stubs, the calculations and footings should be reviewed and made correct. The stubs should then be detached from the book, arranged in numerical order, fastened together at the upper left-hand corner, and the name of the post-office, county, and State written thereon. The postmaster will continue to use what is left of the stub book. The stamps attached to the stub book must never be removed, nor the books disposed of other than as herein directed. Postmasters should never neglect to attach to the stub book the full amount of stamps to cover all postage collected for this class of matter, as failure so to do will be evidence tending to show embezzlement.

Sec. 180. Postage-Due and Special-Delivery Stamps.—Postage-due stamps are to be used for matter of the first, third, and fourth classes and matter of the second class when mailed by others than publishers or news agents (see section 351) which has passed through the mails and arrived at destination with the postage partly or wholly unpaid. The manner of using these stamps is explained in sections 557-559.

Special-delivery stamps can be used only to obtain immediate delivery of letters as provided in chapter twenty.

Sec. 181. Redemption of Spoiled Stamped Paper.—When stamped envelopes or newspaper wrappers, belonging to private persons, shall have been spoiled by misdirection, they may be redeemed at the face value of the stamps thereon in adhesive stamps or postal cards, by any postmaster, if they be presented in substantially a whole condition, and he be satisfied that they have never been used, and that the misdirection occurred at the place at which his office is situated. Stamped envelopes which have become unserviceable to the owners through mistakes in printing or because the printed addresses thereon are no longer suitable to use, may be likewise redeemed on the same conditions.

In any case of doubt the postmaster should refer the question, with a careful statement of the facts, to the Third Assistant Postmaster-General.

Sec. 182. Disposition of Redeemed Stamped Paper.—Stamped paper redeemed under the preceding section must be sent to the Third Assistant Postmaster-General (Stamp Division), in a special letter, registered, stating the number and amount of each denomination; and the postmaster must have a disinterested witness to the mailing thereof. Unless the letter be registered, credit for its contents will not be allowed

if it fail to reach the Department. Such returns should not be made oftener than once a quarter nor until there be a sufficient accumulation.

CREDIT FOR LOSSES BY FIRE, BURGLARY, or other unavoidable casualty may be obtained in the manner provided in Chapter Eight.

DUTIES OF POSTMASTERS AS CUSTODIANS OF PUBLIC MONEYS.

Sec. 183. General Rules.—The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. (R. S., § 3639.)

Sec. 184. Money to be Safely Kept.—Postmasters shall keep safely, without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster-General to be transferred or paid out. (R. S., § 3846.)

For punishment for violation of the two preceding sections, see section 1465.

Sec. 185. Deposits in Banks.—Any postmaster, having public money belonging to the Government, at an office within a county where there are no designated depositories, treasurers of mints, or Treasurer or assistant treasurers of the United States, may deposit the same, at his own risk and in his official capacity, in any national bank in the town, city, or county where the said postmaster resides; but no authority or permission is or shall be given for the demand or receipt by the postmaster, or any other person, of interest, directly or indirectly, on any deposit made as herein described; and every postmaster who makes any such deposit shall report quarterly to the Postmaster-General the name of the bank where such deposits have been made, and also state the amount which may stand at the time to his credit. (R. S., § 3847.)

Sec. 186. Private Bank Cannot Receive Deposits.—Every banker, broker, or other person not an authorized depository of public moneys, who knowingly receives from any disbursing officer, or collector of internal

revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association who violates any of the provisions of this section, is guilty of an act of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section fifty-four hundred and eighty-eight. (R. S., § 5497.)

Sec. 187. Further Directions.—The preceding four sections relate only to the temporary custody of funds by postmasters, and are subject to the succeeding provisions in regard to deposits, and to the regulations for prompt remittance of money-order funds. Except as therein provided, no restriction beyond the exercise of ordinary care is laid upon the manner in which funds are kept, the same being at the postmaster's risk. All funds in postmasters' hands should be in current money immediately available to pay drafts of the Department, money orders, and authorized expenses, and to deposit.

NOTE.—A circular of the Secretary of the Treasury, of date July 1, 1885, reads: "Par. 25. Fractional silver coin and minor coin may be presented, in separate packages, in sums or multiples of \$20, assorted by denominations, to the Treasurer or any assistant treasurer, for exchange into lawful money."

Postmasters can have such coins redeemed by sending them in a registered package under the penalty envelope with a proper letter of advice.

REVENUE DEPOSITS BY POSTMASTERS.

Sec. 188. Deposits of Revenue.—The postmaster at Washington, and postmasters at cities where there is an assistant treasurer, shall deposit the postal revenues and all money accruing at their office, with such assistant treasurer, as often as once a week at least, and as much oftener as the Postmaster-General may direct. (R. S., § 3848.)

All other presidential postmasters must deposit at the end of every month with the depository directed by special instructions from the Third Assistant Postmaster-General. Fourth-class postmasters must deposit at the end of every quarter with the depository designated for their respective offices in the last January Official Guide, unless another be specially directed by the Department. Should the convenience of a postmaster greatly require a different depository than the one assigned he must apply for a change to the Third Assistant Postmaster-General.

No delay whatever will be excused in making deposits promptly at the prescribed period.

Deposits cannot be made with the Department direct of any of the revenues. If money be sent in violation of this regulation it may be returned at the risk of the postmaster sending it.

Sec. 189. Entire Balance to be Deposited.—Deposits must embrace the entire amount of postal funds due the Government at the prescribed period. Want of funds is no excuse for any failure, because the postmaster is not permitted to give credit on sales or for box rents, and is forbidden any use of postal funds, but must keep them constantly on hand. Short deposits will not be excused for the want of "change," because coins, silver and nickel, can be transmitted in registered letters; nor will it be accepted as an excuse that the postmaster does not know the exact amount of his indebtedness, nor that he is waiting on the Auditor for a statement of his account. He must in every case deposit a sum sufficient to cover the balance due, and, if there be any excess, it will be credited on his account for the next quarter; and he may make the claim in his letter of transmittal.

Postmasters who have suffered losses of stamps, stamped envelopes, newspaper wrappers, or postal cards by reason of fire, burglary, or other unavoidable casualty, and who have made regular claim for credit or reimbursement, will not be required to immediately deposit the value of the articles so lost. Any balance standing against a postmaster on account of such a loss may remain outstanding until his claim shall be determined. Whatever balance may then appear due, after deducting such credit as the Department may give, must be at once deposited.

On receipt of a statement from the Auditor disallowing items or correcting errors in his account and requiring a deposit of the balance shown by the statement, deposit must be promptly made as above required.

Sec. 190. Deposits by Retiring Postmasters.—When a postmaster goes out of office the full amount due by him to the Government, according to his own account, must be at once deposited. The postmaster must not wait to ascertain the exact balance on a final settlement of his account by the Auditor. (See sections 249 and 252.)

Sec. 191. Failure Cause for Removal and Punishment.—A failure either to deposit according to instructions, or to pay a draft when presented, will subject the delinquent postmaster to removal, unless satisfactory explanation is made to the Postmaster-General.

Such failure constitutes the crime of embezzlement, and is severely punishable. (See sections 1463 and 1464.)

Sec. 192. To Report Cause of Failure.—When a postmaster fails to deposit at the appointed period because he has no balance to deposit—that is, when his authorized expenditures equal or exceed his receipts—

or for any sufficient reason, he must within fifteen days report to the Third Assistant Postmaster-General the cause of failure, or he will be treated as delinquent.

Sec. 193. A Letter of Transmittal must accompany each deposit, giving the full name of the postmaster, the name of the post-office, county, and State, and the day, month, or quarter for which the deposit is made, and stating in detail the amount sent and an accurate description of the money remitted. When the remittance is made by an assistant, deputy, or clerk he should sign the letter of transmittal with the name of the postmaster, thus :

JOHN DOE, *P. M.*,
By RICHARD ROE, *Assistant P. M.*

Care should be taken to give all the names and amounts in clear and legible writing. Neglect to observe these requirements will cause annoyance to the depositaries, much delay, and correspondence; and the postmaster will fail to receive his receipts or certificates of deposits until corrections and explanations have been made.

If from previous neglect to deposit, or other cause, a postmaster should make a deposit covering more than one month if a presidential postmaster, or one quarter if a fourth-class postmaster, his letter of transmittal should state the amounts due on each period, so that separate certificates may be given by the depositary. So, when a postmaster makes deposits for another postmaster, he must particularly state the facts, because separate certificates are required for each as well as for each quarter.

Sec. 194. Credit by Certificate only.—Credit is to be taken by the depositing postmaster only upon his receipt of the certificate of deposit from the depositary. When any such certificate is received, the postmaster should carefully examine it to see that it is correct in every particular; and if so, the "original" must be stamped with his post-marking stamp and forwarded at once to the Third Assistant Postmaster-General, and the "duplicate" retained as a voucher. Credit will not be given postmasters unless the names are correctly written in the body of the certificate.

Errors in certificates must be corrected by the depositary; and if one be discovered by the depositing postmaster on receipt of his certificate, he should at once return it to his depositary for correction. When a certificate is returned by the Department to a postmaster because of an error found in it, he should immediately forward "original" and "duplicate" to his depositary for correction. In either case he should point out the errors in a letter of advice.

Sec. 195. Lost Certificates.—To guard against loss in transmission, the postmaster should, if his “duplicate” be called for, take a copy of it before forwarding to the Department. If any certificate issued by the Treasurer or an assistant treasurer of the United States be lost, application should be made to the Third Assistant Postmaster-General for a duplicate, in order that credit may be taken by the depositing postmaster.

Sec. 196. Deposits, how made.—Deposits are properly made in United States coin, Treasury notes or national bank notes. Neither postage stamps nor foreign coins or notes, nor mutilated coins or paper, nor bank checks, are depositable. Although not forbidden, yet if the postmaster remit by bank draft it will be at his own risk of loss, and subject to deduction of the expense of collection by the depository. To reduce bulk, notes of high denominations should be transmitted; and the remitter should keep an exact record of their series, numbers, denominations, and dates, and of the denominations and dates of pieces of coin. To every remittance the postmaster should have at least one disinterested witness (if practicable, not an employé in his office) that the money was actually inclosed in a properly addressed registered package, and that such package, with the money inclosed therein, was securely locked in the mail pouch and taken from the postmaster, or the post-office, by the contractor, railway postal clerk, mail carrier, or other person duly authorized to dispatch it to its destination.

It may be sent by registered letter, in an official penalty envelope, free of postage or registration fee, or by any safe and practicable means, but however sent, it is at the postmaster's own risk and cost. If mailed, it should be registered in every case. Postmasters are cautioned to securely wrap and seal every remittance, especially of coin.

If the remitter does not in due time receive an acknowledgment, and his certificate in duplicate, he should report the facts to the nearest post-office inspector, to the Chief of Post-Office Inspectors, and to the Third Assistant Postmaster-General.

Sec. 197. Duties of Depositories.—Postmasters at depository offices should promptly examine and compare with the letter of transmittal, in presence of a disinterested witness, every deposit received, and at once return a proper certificate or certificates in duplicate. If a remittance contain any apparently counterfeit notes, the depository should submit them to the nearest assistant treasurer of the United States or to the proper officer of a national bank for examination, who will, if found to be counterfeit, stamp or brand them in accordance with instructions from the Treasury Department; and they should then be returned with a certificate for the remainder of the remittance to the remitting post-

master. Separate certificates must be issued for the deposit for each quarter; and they must be properly filled up in a plain, legible hand, and the date and signature written by the postmaster or his assistant, according to section one hundred and ninety-three. Dating and money-order stamps must not be used for dating certificates. Certificates of deposit will be numbered consecutively for each depositing office without regard to a change of postmasters, through each fiscal year, beginning with No. 1 from the first day of July, and ending on the 30th of June following.

Sec. 198. Accounts and Reports by Depositories.—Every depository shall keep his account of the money paid to or deposited with him, belonging to the Post-Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. (R. S., § 3642.)

Every depository will forward to the Sixth Auditor at the end of each week a transcript of deposits received during the week. Blanks for this purpose will be furnished by the First Assistant Postmaster-General, and these transcripts are in addition to the quarterly account and return.

Sec. 199. Deposits and Reports by Depositories.—Postmasters at depository offices must in their turn make prompt deposit of the postal funds deposited with them, as of their own surplus revenue. At the close of every quarter a statement must be rendered to the Third Assistant Postmaster-General (on Form 3049) by the postmaster at every depository post-office, showing the aggregate of deposits made with him during the quarter, the net revenue of his own office, and the disposition made of the whole. This statement is in addition to the transcript of deposits required by the preceding section to be sent to the Auditor.

Money-Order Funds are not within the provisions of this chapter. For directions on that subject see chapter forty-three.

Sec. 200. Deposits, how Brought into the Treasury.—All deposits on account of the postal service shall be brought into the Treasury by warrants of the Postmaster-General, countersigned by the Auditor; and no credit shall be allowed for any deposit until such warrant has been issued. (R. S., § 408.)

COLLECTION BY DRAFTS.

Sec. 201. Whenever it shall be deemed advisable by the Auditor, drafts will be issued for the collection of balances due by postmasters, late postmasters, and others; and immediately upon the receipt of such drafts by the postmaster in whose favor they are issued, it is his duty to notify the party or parties upon whom such drafts are drawn and demand prompt payment thereof, as instructed by the circulars accompanying the drafts.

Sec. 202. Duties of Drawee.—Upon the receipt of such notice and demand, it is the duty of the postmaster, or other person upon whom any such draft is drawn, to pay the amount thereof to the postmaster in whose favor it is issued, without delay and without risk or expense to the United States.

Sec. 203. Notification of Payment.—If the draft be collected by the postmaster, he shall immediately notify the Auditor by transmitting his receipt for the amount, as instructed by the circular accompanying the draft, and must, immediately on receipt of the draft for collection, charge himself upon his postal account with the amount of such draft.

Sec. 204. Notification of Non-payment.—If the postmaster, late postmaster, or other person upon whom the draft is drawn, fail to respond to the demand within the time named in the Auditor's circular of instructions, the postmaster holding the draft will notify the Auditor by letter of such failure, communicating the reply to his demand, if any be received, when further instructions will be sent by the Auditor.

Sec. 205. Report of Cause of Failure to Collect.—If the exertions of the postmaster to collect from the party or his sureties prove unavailing, he will communicate to the Auditor the cause of such failure, and also the residence and pecuniary circumstances of all the parties, if alive; or, if dead, the condition of their estates and the names and addresses of their administrators or executors.

Sec. 206. Responsibility for Uncollected Drafts.—If due diligence be not used in making the collection, or if, being unsuccessful, any postmaster fail to return the draft and proof of demand to the Auditor, or otherwise to give notice of such failure, or fail to give any information required in relation to the same, such neglect and want of fidelity will amount to a breach of the condition of his bond, and the draft will be permanently charged to the postal account of the postmaster holding it, and he and his sureties will be held responsible for the amount of the same.

Sec. 207. Postmasters may be Removed for Neglect to Collect.—The failure or refusal of a postmaster to comply strictly with instructions sent him in relation to the collection of drafts will be considered just ground for his removal from office.

Sec. 208. Suits upon Collection Drafts.—Upon the return of a collection draft upon a late postmaster or contractor unpaid, the Auditor will at once prepare and transmit to the Department of Justice certified copies of all the accounts and other papers necessary for the immediate institution of a suit against the principal and sureties, for the recovery of the balance due the United States.

NOTE.—Collection drafts are not issued for money-order funds.

REVENUES IN THE TREASURY.

Sec. 209. Postal Revenues to be Paid into Treasury.—The postal revenues and all debts due the Post-Office Department shall, when collected, be paid into the Treasury of the United States, under the direction of the Postmaster-General; and the Treasurer, assistant treasurer, or designated depository receiving such payment, shall give the depositor duplicate receipts therefor. (R. S., § 407.)

Sec. 210. Transfer of Postal Deposits.—The Postmaster-General may transfer money belonging to the postal service between the Treasurer, assistant treasurers, and designated depositories, at his discretion, and as the safety of the public money and the convenience of the service may require. (R. S., § 3641.)

NOTE.—TRANSFER FROM TREASURY TO MONEY-ORDER FUNDS.—Authority is conferred on the Postmaster-General to transfer, by warrant countersigned by the Auditor, out of the postal revenues to any money-order postmaster, such sum as may be necessary above his current revenues to pay money orders drawn on him, by section 1369.

CHAPTER FIVE.

OF EXPENDITURES.

Sec. 211. The System of Disbursements.—All expenditures for the maintenance of the postal service are made from the revenues derived as stated in section one hundred and forty-eight; but no disbursement or retention of any of these revenues is permissible until an appropriation thereof shall have been made by the Congress, nor in excess of the amounts appropriated for the respective purposes prescribed in the acts of appropriation. When appropriated, disbursement of the money is made by three methods:

1. By warrants of the Department drawn upon the Treasurer of the United States, countersigned by the Sixth Auditor.

2. By the retention by postmasters, out of their receipts, of their lawful salaries, and of allowances made to them by order of the Department for the maintenance and service of their offices.

3. By payments by certain postmasters, designated as disbursing officers, of such sums as they may be ordered by the Department to pay to its creditors and postal employés.

All disbursements are audited and the accounts thereof kept by the Sixth Auditor from the quarterly postal accounts of postmasters and from reports to him by the Department, and charged to the proper appropriation therefor.