

US Postal Laws & Regulations

Brought to you by the US Postal Bulletins Consortium

Year: 1887

Transportation of the mails



Table Of Contents

[Click here to view the entire PDF Document](#)

	<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

TITLE V.
TRANSPORTATION OF THE MAILS.

CHAPTER TWENTY-TWO.

THE GOVERNMENT MONOPOLY OF MAIL TRANSPORTATION.

Sec. 705. The Government Monopoly.—The General Government assumes, under its constitutional powers, the performance of all the functions appropriate to postal communication, and tolerates no competition materially interfering therewith; not only because the proper revenues for the support of the service might thereby be impaired, but because such exclusive assumption assures to all the people the best postal advantages. All postal officers, of every grade and at every place, are enjoined to promptly report to the Postmaster-General any violation, or evidence pointing to a violation, of any of the statutes for the protection of the monopoly, which may be discovered by them.

NOTE.—See 9 Opin. of Att'y-Gen., 161. It will be observed that the Congress has not yet, by statute, extended the monopoly of transportation to second, third, or fourth class matter, although admitted to the mails.

Sec. 706. Private Expresses Forbidden.—No person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post route which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried; and every person so offending, or aiding or assisting therein, shall for each offense be liable to a penalty of one hundred and fifty dollars. (R. S., § 3982.)

Provided. That nothing contained in section thirty-nine hundred and eighty-two of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post office or postal car mail matter properly stamped. (Act of March 3, 1879; 20 Stats., 356.)

NOTE.—The term packet, as used in this and the following sections of the law, is restricted to mailable matter of the first class. (Opin. Ass't Att'y-Gen. P. O. Dept.—Spence.)

A person who intends to make the carrying of letters periodically for hire his regu-

lar business, or part of his business, in opposition to the public carriers, is legally incapable of receiving authority to take letters out of the post-office for that purpose, however such authority may be attempted to be conferred. (9 Opins. Att'y-Gen, 161.)

Letter carriers' routes in cities are "post routes," and the establishing of a private express for the transmission of letters within a city where letter-carrier routes have been established is unlawful under the above statute. (*Blackham v. Gresham*, 16 Fed. Rep., 609; *United States v. Eason*, 18 Fed. Rep., 590.)

Sec. 707. Private Carriers Forbidden at Carrier Post-Offices.—Postmasters at letter-carrier post-offices will under no circumstances deliver first-class mail matter to a private carrier, no matter what credentials he may present, whether it be a joint order from all of his employers, or a separate order from each one, a permanent standing order, or an order renewed every day. (See 9 Opins. Att'y-Gen., 161.)

Sec. 708. Carrying Person Acting as Express Forbidden.—The owner of every stage coach, railway car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner, in whole or in part, or with the knowledge or connivance of the driver, conductor, master, or other person having charge of the same, convey any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to the spirit, true intent, and meaning of this title, shall, for every such offense, be liable to a penalty of one hundred and fifty dollars. (R. S., § 3983.)

Sec. 709. Penalty for Sending Letters by Private Express.—No person shall transmit by private express or other unlawful means, or deliver to any agent of such unlawful express, or deposit, or cause to be deposited, at any appointed place, for the purpose of being transmitted, any letter or packet; and for every such offense the party offending shall be liable to a penalty of fifty dollars. (R. S., § 3984.)

Sec. 710. Penalty for Carrying Letters out of the Mails.—Any person concerned in carrying the mail, who shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall, for every such offense, be punishable by a fine of not more than fifty dollars. (R. S., § 3981.)

Sec. 711. Carrying Letters out of Mail; Penalty on Owner of Vehicle.—No stage coach, railway car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stage coach, railway car, or other vehicle, ex-

cept as provided in section three thousand nine hundred and ninety-three (section 716); and for every such offense the owner of the stage coach, railway car, steamboat, or other vehicle or vessel shall be liable to a penalty of one hundred dollars; and the driver, conductor, master, or other person having charge thereof, and not at the time owner of the whole or any part thereof, shall for every such offense be liable to a penalty of fifty dollars. (R. S., § 3985.)

NOTE.—It is not a violation of this section for an express company to carry with a money letter or package an unstamped letter of advice concerning such money. (*U. S. v. U. S. Express Co.*, 5 Biss. R., 91.)

Sec. 712. Penalty for Carrying Letters on Board a Mail Vessel.—No person shall carry any letter or packet on board any vessel which carries the mail otherwise than in such mail, except as provided in section three thousand nine hundred and ninety-three [sec. 716]; and for every such offense the party offending shall be liable to a penalty of fifty dollars. (R. S., § 3986.)

Sec. 713. Mail Vessel to Take Letters from a Post-Office.—No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post-office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section three thousand nine hundred and ninety-three [sec. 716]; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section. (R. S., § 3987.)

Sec. 714. Vessels to Deliver all Letters at Post-Office.—No vessel arriving within any port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered at the nearest post-office, and the master thereof has signed and sworn to the following declaration before the collector or other proper customs officer:—

“I, A B, master of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered, at the post-office at ———, every letter and every bag, packet, or parcel of letters which were on board the said vessel during her last voyage, or which were in my possession or under my power or control.”

And any master who shall break bulk before he has delivered such letters shall be liable to a penalty of not more than one hundred dollars,

recoverable, one-half to the officer making the seizure, and the other to the use of the United States. (R. S., § 3988.)

Further penalty on Foreign Vessels.—All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters, relating to such vessel, or any part of the cargo thereof, as may be directed to the owners or consignees of the vessel, shall be subject to postage-charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters, relating to the vessel, or any part of the cargo thereof, as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master of such vessel when arriving, and be taken from a United States post-office when departing, and the postage paid thereon, justly chargeable by this title [XLVI.] and for refusing or failing to do so, or for conveying such letters or any letters intended to be conveyed in any vessel of such foreign country over or across the United States, or any portion thereof, the party offending shall be punishable by a fine of not more than one thousand dollars for each offense. (R. S., § 4016.)

EXCEPTIONS.

Sec. 715. Letters Conveyed Without Compensation.—Nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. (R. S., § 3992.)

Sec. 716. Letters in Stamped Envelopes.—All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail route where the public interest may require such suspension. (R. S., § 3993.)

Sec. 717. Newspapers may be Carried Out of the Mail.—Contractors or mail carriers may convey out of the mail newspapers for sale or distribution to subscribers. (R. S., § 3888.)

NOTE.—Postage on such when placed in post-office must be paid.

Sec. 718. Mail Carriers to Receive Mail for Delivery at Next Post-Office.—Every route agent, postal clerk, or other carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives; but no fees shall be allowed him therefor. (R. S., § 3980.)

NOTE.—When any properly prepaid mail matter is presented to a railway postal clerk he complies with the provisions of this section by depositing it in his mail car, as all postal cars and mail apartments in cars and steamboats have been designated by the Postmaster-General as post-offices for the distribution of mail in transit. See section 903.

DETECTION OF VIOLATIONS.

Sec. 719. Postmasters to Report Violations.—Whenever a postmaster receives information or has good reason to believe that letters are illegally brought to or sent from any city, town, landing, station, or place near his post-office, whether by steamboat, railroad, private carrier for hire, or any other mode of conveyance, or in any way in violation of law, he will give immediate notice of such violation of law to the Postmaster-General, with all the facts concerning it in his possession.

Sec. 720. Special Agents to Search Vessels for Letters.—Any special agent of the Post-Office Department, when instructed by the Postmaster-General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (R. S., § 3989.)

Sec. 721. Special Authority for Search.—The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found. (R. S., § 4026.)

Sec. 722. Seizing and Detaining Letters.—Any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post route, and convey the same to the near-

est post-office, or may, by the direction of the Postmaster-General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (R. S., § 3990.)

Sec. 723. Forfeiture of Seizures to the United States.—Every package or parcel seized by any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. (R. S., § 3991.)

Sec. 724. Letters Seized may be Returned to Senders.—All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster-General may direct. (R. S., § 3895.)

OBSTRUCTIONS FORBIDDEN.

Sec. 725. Penalty for Obstructing the Mail.—Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than one hundred dollars. (R. S., § 3995.)

The temporary detention of the mail, caused by the arrest of its carrier upon an indictment for felony, does not come within the provisions of this section, but a mail carrier on his route cannot be detained by civil process. (*U. S. v. Kirby*, 7 Wall., 482.)

A city may prohibit by ordinance the passage of trains through its limits at a rate of speed not exceeding six miles per hour, and not conflict with this section. (*United States v. Hart*, 1 Pet. C. C., 390.)

The act of Congress prohibiting the stoppage of the mail is not to be so construed as to prevent the arrest of the driver of a vehicle in which the mail is carried, when he is driving through a crowded city at such a rate as to endanger the lives of the inhabitants. (*United States v. Hart*, 1 Pet. C. C., 390.)

One having a lien against horses for their keep cannot enforce the same in such a manner as to stop the United States mail in a vehicle drawn by such horses (*United States v. Barney*, 3 Hughes C. Ct., 545), but it is not an offense, under this section, to detain the horse in the stable until the keep is paid. (*U. S. v. McCracken*, 3 Hughes, 544.)

One who, believing himself entitled to transportation on a railway car, resists the conductor's attempts to detach the mail car therefrom and send it on with the mail, is guilty of obstructing the passage of the mail. (*U. S. v. Kane*, 19 Fed. Rep., 42.)

It is a criminal offense to obstruct a mail train, although those guilty are willing to permit the passage of the mail car alone. (*U. S. v. Clark*, 13 Philadelphia, 476.)

Sec. 726. Delaying Mail at a Ferry; Penalty.—Any ferryman who shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry shall, for every ten minutes such mail may be so delayed, be liable to a penalty of ten dollars. (R. S., § 3996.)

CHAPTER TWENTY-THREE.

OF POST ROADS; AND GENERAL PROVISIONS FOR ESTABLISHING MAIL CARRIAGE.

Sec. 727. What are Post Roads.—The following are established post roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank roads, during the time the mail is carried thereon.

The road on which the mail is carried to supply any court house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. (R. S., § 3964.)

That all public roads and highways while kept up and maintained as such are hereby declared to be post routes. (Act of March 1, 1884, 23 Stats., 3.)

NOTE.—As required by the act of June 20, 1874 (18 Stats., § 3, 113), all statutes relating to post roads passed prior to December 1, 1873, were printed in the volume of "Revised Statutes relating to District of Columbia, Post Roads, and Public Treaties." The several acts specially establishing post roads since that date are to be found in 18 Stats., 7, 256, 486; 19 Stats., 12, 319, 336; 20 Stats., 15, 427; 21 Stats., 12, 92, 353; 22 Stats., 14, 350, 572; 23 Stats., 15, 427.

"The policy of extending the lines of post roads on all railroads and navigable waters was to require, under a penalty, all boats and railroad cars to deposit in post offices all letters which they may carry, so that the postage may be charged. It gives to the Government no rights on those lines of communication, except where the mail may be carried under a contract, which, if obstructed, subjects the offender to prosecution. It gives the Government no other interest in or control over the road. The railroad may be changed at the will of the proprietors, and the mail will

not be carried in the cars, except by contract, for which a compensation is paid." (*Penn v. Wheeling, &c., Bridge Co.*, 18 How., 441.)

The term "post road" ordinarily signifies a highway by land or water, made by statute an avenue over which mails may be lawfully transmitted. The term "post route" ordinarily signifies a post road or definite portion thereof, over which the mails are usually transported by contract. (*Railway Mail Service Cases*, 13 Ct. Claims R., 199; *United States v. Kochersperger*, 9 Am. Law Reg., 145.)

Sec. 728. Selecting Post Roads.—When there is more than one road between places designated by law for a post road, the Postmaster-General may direct which shall be considered the post road. (R. S., § 3972.)

Sec. 729. When Terminus of Post Roads may be Changed.—The Postmaster-General may change the terminus of post roads connecting with or intersecting railways when the service can be thereby improved. (R. S., § 3973.)

Sec. 730. All Court Houses to be Supplied with Mail.—The Postmaster-General shall cause a mail to be carried from the nearest post-office on any established post road to the court house of any county in the United States, which is without a mail. (R. S., § 3966.)

Sec. 731. Service may be Established on Post Roads.—The Postmaster-General shall provide for carrying the mail on all post roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper. (R. S., § 3965.)

Sec. 732. Authority to Establish Post Roads.—The Postmaster-General may, when he deems it advisable, contract for the transportation of the mails to and from any post-office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post route by Congress. (R. S., § 3975.)

Sec. 733. Extending Mail Facilities to Special Post-Offices.—The Postmaster-General may enter into contracts for extending the line of posts to supply mails to post-offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices. (R. S., § 3971.)

Sec. 734. Carrying the Mail on Canals.—The Postmaster-General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it. (R. S., § 3967.)

Sec. 735. Carrying the Mail on Plank Roads.—The Postmaster-General may contract for carrying the mail on any plank road in the United States, when the public interest or convenience requires it. (R. S., § 3968.)

Sec. 736. Carrying the Mail on Waters of the United States.—The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States. (R. S., § 3969.)

Sec. 737. Inland and Foreign Steamboat Mail Service.—The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. (Act of March 3, 1885, 23 Stats., 336.)

NOTE.—This clause gives a continuing authority amending the general law. (Opin. of Att'y-Gen., May 27, 1886.)

Sec. 738. Preference Given to Letters over other Mail Matter.—When the amount of mail matter to be carried on any mail route is so great as to seriously retard the progress or endanger the security of the letter mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster-General may provide for the separate carriage of the letter mail, at the usual rate of speed; but the other mail matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for effecting the same. (R. S., § 3994.)

Sec. 739. Discontinuing Service on Post Roads.—Whenever, in the opinion of the Postmaster-General, the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post road, he may discontinue the service on such road or any part thereof until the same can be safely restored. (R. S., § 3974.)

CHAPTER TWENTY-FOUR.

OF TRANSPORTATION BY RAILROADS.

Sec. 740. Postmaster-General to Decide what Trains shall Carry the Mail.—The Postmaster-General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed. (Act of March 3, 1879, § 3, 20 Stats., 358.)

Sec. 741. May Contract for Without Advertising.—The Postmaster-General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor. (R. S., § 3942.)

NOTE.—The Post-Office regulations establishing contract sections relate to the whole mail service. They do not compel the Postmaster-General to make time contracts with railway companies, nor prevent him from accepting services which may be determined at will by either party. (*R. R. Co. v. The United States*, 21 Ct. Claims R., 155.)

Sec. 742. Railway Company must Carry Mails on any Train.—Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same. (R. S., § 4000.)

Sec. 743. To Carry Supplies and Special Agents, &c., Free of Charge.—Railroad companies are required to convey, without specific charge therefor, all mail bags, post-office blanks, stationery supplies, and all duly accredited special agents and post-office inspectors, on the exhibition of their credentials.

Sec. 744. When Railroad Companies must Deliver Mails into Post-Offices.—Every railroad company is required to take the mails from and deliver them into all terminal post-offices whatever, except in cities where other provision is made by the Department, and also into all intermediate post-offices which are located not more than eighty rods from the nearest station or railroad office at which such company has an agent, the distance to be measured by the shortest road. The length of the route will be computed and paid for from terminal office to terminal office, except in those cities where the Department causes the mail to be carried between the railroad and post-office, and in such it will be computed from the place where the mail is taken from and delivered to the company.

The Department will provide for the carriage of mails to and from other intermediate post-offices only. At all points where mail trains do not make regular stops, the speed of trains carrying the mails must be slackened to admit the exchange of mails with safety.

The persons employed by railway companies to convey the mails between post-offices and stopping places, when required by this regulation, are agents of the companies, not employés of the postal service, and need not be sworn as such, but must be above the age of sixteen years and of suitable intelligence and character; and postmasters will promptly report to the proper Division Superintendent of the Railway Mail Service, or the General Superintendent thereof, any violation of this requirement.

NOTE.—A well-established practice, such as railroads receiving and delivering mail-matter at all offices within eighty rods of the road without extra charge, must be deemed to have been considered by Congress and the Department when fixing the full rate of compensation for railroad mail transportation, and the pay for such service is included in the general compensation fixed for the routes. Where a railroad company performs such mail-messenger service without objection it is precluded from demanding further compensation than the rates allowed for the transportation of the mails. (*Railroad Company v. The United States*, 21 Ct. Claims, 155.)

Sec. 745. Mails not to be Carried beyond Termini without Authority.—In case railroads are extended or trains run beyond the termini of the route on which the transportation of mails is duly authorized, the mails must not be carried beyond such termini of the route until the additional service is ordered by the Second Assistant Postmaster-General.

Sec. 746. Conditions of Railway Service and Rates of Pay for Same.—The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of two hundred pounds, fifty dollars; five hundred pounds, seventy-five dollars; one thousand pounds, one hundred dollars; one thousand five hundred pounds, one hundred and twenty-five dollars; two thousand pounds, one hundred and fifty dollars; three thousand five hundred pounds, one hundred and seventy-five dollars; five thousand pounds, two hundred dollars, and twenty-five dollars additional for every additional two thousand pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June thirtieth, eighteen hundred and seventy-three, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct. (R. S., § 4002.)

Sec. 747. Compensation of Railroads Reduced Ten Per Centum.—That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-six, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails ten per centum per annum from the rates fixed and allowed by the first section of an act, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three [section 746], for the transportation of mails on the basis of the average weight. (Act of July 12, 1876, § 1, 19 Stats., 79.)

NOTE.—This act does not affect the compensation for railway postal cars, provided

for in the act of March 3, 1873 (Opin. Att'y-Gen. Taft, October 7, 1876), and was not intended to affect existing contracts. (Opin. Att'y-Gen. Taft, December 21, 1876.)

The above statutes apply only to contracts made after their passage, or to such as did not require the performance for a specific period. (*Railway Co. v. U. S.*, 104 U. S., 687. See also 21 Ct. Claims R., 155.)

Sec. 748. Compensation of Railroads Reduced Five Per Centum More.—That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-eight, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails five per centum per annum from the rates for the transportation of mails, on the basis of the average weight fixed and allowed by the [preceding section] first section of an act entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," approved July twelfth, eighteen hundred and seventy-six. (Act of June 17, 1878, § 1, 20 Stats., 142.)

Sec. 749. Congress may Fix Compensation to be Paid Land-Grant Railroads.—All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation. (R. S., § 4001.)

For rights and obligations of land-grant roads under this section, see 13 Opins. Att'y-Gen., 445, 536; 14 Opin., 428, 663.

The land-grant railroad companies, so called, are under perpetual contract with the United States to transport the mail at such prices as Congress may by law direct, and in the absence of such direction, then such as the Postmaster-General may determine. (*Railroad Co. v. The United States*, 21 Ct. Claims R., 155.)

A land-grant railroad company, carrying the mails under an express contract authorized by law when it was made, is entitled to the contract rate specified therein for the contract term, notwithstanding the reductions of the acts of June 12, 1876, and June 17, 1878. (*R. E. Co. v. The United States*, 104 U. S., 687.) But a land-grant railroad company carrying the mails without express contract was subject to the reduction ordered by said acts. (*R. E. Co. v. The United States*, 21 Ct. Claims, 155.)

Subsidized railroads are bound to transport the mails at fair and reasonable rates, not in excess of those charged to private parties for the same kind of service. (*R. E. Co. v. The United States*, 21 Ct. Claims R., 155.)

Sec. 750. Compensation to be Paid Land-Grant Railroads.—That railroad companies whose railroad was constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their road at such price as Congress should by law direct shall receive only eighty per centum of the compensation authorized by this act. (Act of July 12, 1876, § 13, 19 Stats., 82.) (See section 749.)

Sec. 751. Mails to be Carried on Fastest Trains.—And if any railroad company shall fail or refuse to transport the mails, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced fifty per centum of the amount provided by law. (Act of March 3, 1885, 23 Stats., 386; and see 23 Stats., 156.)

Sec. 752. Mails; how and when to be Weighed.—The Postmaster-General * * * is hereby directed to have the mails weighed as often as now provided by law by the employés of the Post-Office Department, and have the weights stated and verified to him by said employés, under such instructions as he may consider just to the Post-Office Department and the railroad companies. (Act of March 3, 1875, § 1, 18 Stats., 341.)

Sec. 753. Railroad Companies to Give Notice of their Readiness for Weighing.—The transportation of mails is authorized on railroad routes with the understanding that the rate of compensation shall be determined upon returns showing the amount and character of the service, to be made within twelve months from the date of its commencement, or earlier if the Department so elect, and no payment will be made except upon the basis of such returns. The mails should not be weighed until the service is fairly established on the route, and when the company is satisfied that this is accomplished, the fact should be reported to the Second Assistant Postmaster-General, who directs the weighing of mails.

Sec. 754. To Provide Post-Office Cars.—In case any railroad company now furnishing railway post-office cars shall refuse to provide such cars, such company shall not be entitled to any increase of compensation under the provisions of the next section. (R. S., § 4003.)

And hereafter when any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, or shall fail or refuse to provide suitable safety heaters and safety lamps therefor, with such number of saws and axes to each car for use in case of accident as may be required by the Post-Office Department, said company shall have its pay reduced ten per centum on the rates fixed in section four thousand and two of the Revised Statutes, as amended by act of June twelfth, eighteen hundred and seventy-six, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," and as further amended by the act of June seventeenth, eighteen hundred and seventy-eight, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes." (Act of March 1, 1881, 21 Stats., 375.)

Sec. 755. Dimensions of, and Additional Pay for, Post-Office Cars.—Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding twenty-five dollars per mile per annum for cars forty feet in length; and thirty dollars per mile per annum for forty-five-foot cars; and forty dollars per mile per annum for fifty-foot cars; and fifty dollars per mile per annum for fifty-five to sixty-foot cars. (R. S., § 4004.)

NOTE.—This statute does not authorize a pro rata compensation to be paid for cars which are less than forty feet in length.

Sec. 756. Cars to be Furnished as Required.—That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies. (Act of March 3, 1879, § 4, 20 Stats., 358.) (See section 754.)

Sec. 757. Special Facilities.—The annual appropriation for the postal service usually provides for necessary facilities on trunk lines; and the Postmaster-General makes special contracts deemed necessary to expedite the transportation of the mails on such lines accordingly.

NOTE.—Where the Postmaster-General contracts for additional postal-car facilities to be paid for out of an appropriation therefor or out of appropriations "hereafter passed for a similar purpose," and subsequent appropriations are made and the company continues to perform the service, it is entitled to the compensation agreed upon. The provisions of the Revised Statutes (section 87), forbidding the Executive Departments to contract debts in excess of appropriations, must yield to special provisions relating to a particular Department. Such contract may be made for a term of four years; and if it make the liability of the Government conditional upon future appropriations, and they be subsequently made, it is valid. (*N. Y. Central R. R. v. United States*, 21 Ct. Claims, 463.)

Sec. 758. Specific Requirements of the Service.—The rates of compensation are computed upon the average weight of mails per day carried the whole length of the route; but the rates fixed by law require not only a certain weight of mails, but also that the mails shall be carried with due frequency and speed, and that suitable room, fixtures, and furniture shall be provided in a car or apartment of car, properly lighted and warmed with safety lamps and safety heaters, for railway postal clerks to accompany and distribute the mails, as accessories to the weight of mails, and that post-office inspectors and special agents be also carried without specific charge therefor. The specific requirements of the service, with regard to these items, will be made known through the General Superintendent of the Railway Mail Service. The requirements as to due frequency and speed, and the size of the mail car or apartment are at all times to be determined by the Department.

Sec. 759. Financial Agent; Correspondence with Department.—As soon as service is commenced on a route, the railway company should apply to the Sixth Auditor for instructions respecting the designation of a financial agent to receive and receipt for payment for the service. All communications relative to or affecting the pay for such service should be addressed to the Second Assistant Postmaster-General (Railway Adjustment Division).

Sec. 760. Railroad Companies Requested to Report Receipts and Expenses.—That the Postmaster-General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable. (Act of March 3, 1879, § 6, 20 Stats., 358.)

Sec. 761. When Mail may be Carried on Railway Routes by Horse Express.—If the Postmaster-General is unable to contract for carrying the mail on any railway route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter mail from the other mail, and contract, either with or without advertising, for carrying such letter mail by horse express or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons, or otherwise, at a slower rate of speed. (R. S., § 3999.)

As to FINES and DEDUCTIONS, see chapter twenty-nine.

MAIL TRANSPORTATION ON THE PACIFIC RAILROADS.

Sec. 762. Rates of Pay Therefor and how Applied.—That the grants aforesaid are made upon the condition that said company shall * * * transport mails * * * upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service), and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. (Act of July 1, 1862, to aid in construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, § 6, 12 Stats., 493.)

And that only one-half of the compensation for services rendered for the Government by said companies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads. (Act of July 1, 1864, amendatory of last mentioned act, § 5, 13 Stats., 358.)

That the whole amount of compensation which may, from time to time, be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking fund hereinafter provided. (Act of May 1, 1878, § 2, 20 Stats., 58.)

NOTE.—The Supreme Court decided, in *U. S. v. Cent. Pac. R. R. Co.*, 118 U. S., 235, that the three acts above mentioned are in *pari materia* and to be construed together; and, so construed, the act of 1878 restores the provisions of the act of 1862 respecting retention of compensation for services performed by the railroad for the United States which had been changed by the act of 1864; and requires the Treasury to withhold all payments for services performed on the roads by the aid of Government grants.

Sec. 763. Payments to be Withheld.—The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been reimbursed, together with the five per centum of net earnings due and unapplied, as provided by law. (R. S., § 5260.)

Sec. 764. Account thereof; how Stated.—That for the proper adjustment of the accounts of the Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies, respectively, for services which have been or may be hereafter performed for the Government for the * * * transportation of the mails, the Secretary of the Treasury is hereby authorized to make such entries upon the books of the Department as will carry to the credit of said companies the amounts so earned or to be earned by them during each fiscal year and withheld under the provisions of section fifty-two hundred and sixty of the Revised Statutes and of the act of Congress approved May seventh, eighteen hundred and seventy-eight: *Provided*, That this shall not authorize the expenditure of any money from the Treasury, nor change the method now provided by law for the auditing of such claims against the Government: *Provided further*, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to or from said companies respectively, or to, in any way, af-

fect their rights or duties or the rights of the United States, under existing laws, it being only intended hereby to enable the proper accounting officers to state on the books of the Treasury the accounts between the Government and said companies respectively. (Act of March 3, 1879, 20 Stats., 420.)

CHAPTER TWENTY-FIVE.

OF MAIL-MESSENGER SERVICE.

Sec. 765. Authorized.—That the Postmaster-General be, and he is hereby, authorized to employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post-offices, post-offices and branch offices or stations, in cases where by the laws and regulations of the Post-Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post-offices the mails carried on their lines or vessels. (Act of March 3, 1887, 24 Stats., 492.)

Sec. 766. Mail-Messenger Service; how Employed.—A mail messenger cannot be employed without express authority from the Second Assistant Postmaster-General; and in no case can a postmaster be allowed compensation for mail messenger service performed by himself, nor can he be interested or concerned in the contract for such service. (See section 773.) Whenever such service is necessary to any office the postmaster will be authorized, by special instructions in each case, to advertise for ten days for sealed proposals to perform the service according to specifications prepared by the Department. He will give notice or advertise as directed, and secure the utmost possible publicity by calling thereto the attention of all persons likely to compete for the service. When the proposals have been received he will forward all of them, unopened and in one envelope, to the Second Assistant Postmaster-General, together with a report of his action, embracing a copy of the notice given, a statement of the manner of giving it, whether any of the persons making proposals are dissolute, dishonest, or irresponsible, and his opinion as to what is a reasonable compensation for the service to be required. The proposals will be opened by the Second Assistant Postmaster-General, and the lowest bidder, if honest and capable, and his proposal be deemed reasonable and advantageous, will be designated by an order as mail-messenger. No further written contract is required; nor will the mail-messenger be designated for a defi-

nite period, unless the specifications expressly so provide; but he will be expected to serve at the compensation proposed, until his employment is terminated by due notice or order. He must give twenty days' notice of intention to relinquish service.

Before entering upon their employment mail messengers and their assistants must take the oath given in section forty-four, which will be immediately transmitted by the postmaster to the Second Assistant Postmaster-General (Division of Inspection.)

If a messenger die, resign, or abandon the service the postmaster must report the fact to the Second Assistant Postmaster-General at once, and may recommend another at the same rate of pay; but the Department will readvertise if deemed advisable.

Sec. 767. Duties of Mail-Messengers.—Mail-messengers are required to receive the mail from and deliver it into the post-offices, mail cars, and on board steamboats according to the schedules of arrivals and departures for mail messenger service prescribed by their postmasters; to keep the mail pouches and sacks, while in their custody, guarded from exposure to wet, theft, or other injury; to handle them carefully; not to throw them from vehicles or drag them so as to injure the pouches or sacks or their contents, and to observe all regulations or special instructions from the Department or the postmaster affecting their service.

Sec. 768. Duties of Postmasters in Respect to Mail-Messenger Service.—Postmasters will instruct mail-messengers in regard to the performance of their duties, will prescribe schedules of arrivals and departures for their service, allowing reasonable running time, requiring due receipt and delivery in case of delayed incoming or outgoing trains or boats, as the emergency may require, and will keep an accurate record of all failures to perform trips, and other delinquencies or irregularities, and resulting delays or injuries therefrom.

Whenever mail-messenger service at any post-office becomes unnecessary or ceases from any cause, the postmaster will immediately inform the Second Assistant Postmaster-General, who will thereupon order discontinuance of the same. When the cost of this service can, in the judgment of the postmaster, be reduced by a readvertisement, he will so notify the Second Assistant Postmaster-General.

Sec. 769. Reports of Mail-Messenger Service.—Immediately after the expiration of each quarter, the postmaster will make a report (on Form 2242) of the mail-messenger service employed at his post-office for such quarter, and transmit the same to the Second Assistant Postmaster-General (Division of Inspection). The report must be properly filled up, giving legibly the name of the post-office, number of route, name of mail-messenger, number of trips a week required, annual pay, dis-

tance, name of railway or steamboat line between which and the post-office the route is established, and the dates inclusive on and between which the service is performed, and a statement of all failures to make trips, all failures by the fault of the messenger to make connections, and all other irregularities or delinquencies for which a fine or deduction should be imposed, and specifying the resulting delay or damage, if any, and the dates thereof.

Sec. 770. Employment of Temporary Mail-Messenger Service.—If temporary service becomes necessary, in any emergency, after mail-messenger service has been authorized on any route, postmasters will employ it, but at no higher rate of compensation than that received by the messenger in whose place the temporary service may be employed, and will immediately report to the Second Assistant Postmaster-General the facts and reason for such employment, and solicit, if necessary, authority for payment thereof by the postmaster immediately. Where such service becomes necessary prior to the establishment of mail-messenger service, the postmaster will apply to the Second Assistant Postmaster-General for authority to employ the same.

Sec. 771. Payment for Mail-Messenger Service.—All mail-messengers are paid by warrant on the Treasury direct from the Department. No payments on this account will be made by any postmaster, unless he receives special instructions from the Department.

CHAPTER TWENTY-SIX.

TRANSPORTATION ON STEAMBOAT AND STAR-ROUTES.

Sec. 772. Term of Contracts.—No contract for carrying the mails shall be made for a longer term than four years, and no contract for carrying the mails on the sea shall be made for a longer term than two years. (R. S., § 3956.) (See sections 84 and 804.)

Sec. 773. Who may not be Interested in Mail Contracts.—No postmaster, assistant postmaster, or clerk employed in any post-office shall be a contractor or concerned in any contract for carrying the mail. (R. S., § 3850.)

Postmasters are also liable to dismissal from office for acting as agents of contractors or bidders, with or without compensation, in any business, matter, or thing relating to the mail service. They are the agents of the Department, and cannot act in both capacities.

Sec. 774. Division of the United States into Contract Sections.—The United States is divided into four contract sections. A general letting for one of these sections occurs every year, and contracts are made

at such general lettings for four consecutive years, commencing on the first day of July. The sections and their current contract terms are—

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia; current term, July 1, 1885, to June 30, 1889.

2. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky; current term, July 1, 1884, to June 30, 1888.

3. Illinois, Indiana, Michigan, Ohio, Wisconsin, Minnesota, Iowa, and Missouri; current term, July 1, 1887, to June 30, 1891.

4. Arkansas, Louisiana, Texas, Indian Territory, Kansas, Nebraska, Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California; current term, July 1, 1886, to June 30, 1890.

Sec. 775. Miscellaneous Mail Lettings Defined.—The lettings for service upon new mail routes, established pursuant to law in any contract division of the United States during a contract term, and upon routes where the contractor has failed or abandoned his contract, are denominated miscellaneous mail lettings. Such lettings are made under advertisement to cover the mail service on such routes until the expiration of the contract term, when the service, if continued, is embraced in the general mail letting.

ADVERTISEMENT OF MAIL LETTINGS.

Sec. 776. Notice of Mail Lettings; how Given.—That before making any contract for inland mail transportation, other than by railroads and steamboats, except for temporary service, as provided for in [sections 796, 797, 798] an act approved August eleventh, eighteen hundred and seventy-six, amendatory of subsections two hundred and forty-six and two hundred and fifty-one of section twelve of an act approved June twenty-third, eighteen hundred and seventy-four, the Postmaster-General shall cause to be published, in not exceeding ten newspapers published in the State or Territory in which such service is to be let, one of which shall be published at the seat of Government of such State or Territory, once a week, for six consecutive weeks preceding the time of letting, a notice in displayed type, not to exceed six inches of space in one column of a newspaper, of the following purport:

Mail lettings—Notice to contractors.

POST-OFFICE DEPARTMENT,
Washington, D. C., — —, 18—.

Proposals will be received at the Contract Office of this Department until — a. m., of — —, — —, 18—, for carrying the mails of the United States, upon the routes, and according to the schedule of arrival and departure, specified by the Department, in the State (or Territory) of — —, from — —, 18—, to — —, 18—. Lists of routes, with schedules

of arrivals and departures, instructions to bidders, with forms for contracts and bonds, and all other necessary information, will be furnished upon application to the Second Assistant Postmaster-General.

_____,
Postmaster-General.

and no other advertisement of miscellaneous lettings shall be required: *Provided*, That said contracts for mail letting shall not take place in less than sixty days after the first publication. (Act of May 17, 1878, § 1, 20 Stats., 61.)

And the Postmaster-General shall direct, by special order in each case, the newspapers in which mail lettings, or other proposals relative to the business of this Department, shall be advertised, and no publisher shall be paid for such advertisements without having been requested by the Postmaster-General to publish the same. (R. S., § 3941 in part.)

And hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such letting shall be required; but this provision shall not apply to any other than general mail lettings. (Act of March 1, 1881, 21 Stats., 374.)

And whenever it shall become necessary to employ temporary service on any mail route, it shall be the duty of the Postmaster-General to advertise for bids, or proposals, for such service, by posting notices in the post-offices at the termini of such route and upon a bulletin board in a public place in the Post-Office Department building at Washington, in the District of Columbia, for at least ten days prior to such letting. (Act of March 1, 1881, 21 Stats., 374.)

AS TO RATES FOR ADVERTISING, see section 96.

Sec. 777. Advertisement of Routes Omitted in General Letting.—Whenever by reason of any error, omission, or other cause any route which should properly be advertised for the regular letting is omitted, it shall be the duty of the Postmaster-General to advertise the same as soon as the error or omission shall be discovered, and the proposals for such route shall be opened as soon as possible after the other proposals in the same contract section; and the contract made under such supplementary advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term, and during the time necessarily lost by reason of such error, omission, or other cause, the Postmaster-General shall provide for the carrying of the mail on such route at as low rate as possible, without advertising. (R. S., § 3957.)

Sec. 778. Notice of Intention to Change Terms of Contract.—Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in the preceding section, notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts. (R. S., § 3958.)

NOTE.—The “preceding section” to the one above quoted is evidently not the one intended to be referred to. In the act of June 8, 1872, 17 Stats., 315, the section from which R. S., § 3958, was taken, reads “otherwise than as provided in sections two hundred and sixty-one and two hundred and sixty-two.” Those sections reappeared in the revision as 3960 and 3961, and are here given as sections 813 and 815.

OF PROPOSALS AND BIDDERS.

Sec. 779. Proposals Accompanied by Bonds Approved by Postmasters.—That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds five thousand dollars, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted. (R. S., § 3945, as amended by act of June 23, 1874, § 12, 18 Stats., 235.)

The approval of the sureties must be by a postmaster. An assistant, or clerk, or person acting for the sureties as postmaster is not authorized to sign such approvals, either in his own name or in the name of the postmaster.

The sum required on each route is given in the schedule furnished to applicants as stated in the notice. (See section 776.)

Sec. 780. Sureties on Bidders' Bonds must Qualify.—That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath, showing the amount of real estate owned by them, a brief description thereof, and its probable value; where it is situated; in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury. (R. S., § 3946, as amended by act of August 11, 1876, 19 Stats., 129.)

The statement of the situation of the property should show the State and county in which it lies; and also separately specify the county and State in which record evidence of title exists. Bidders will carefully observe this requirement, as their bids cannot be considered unless this provision of law is strictly complied with. Nothing in regard to the description of the property, its situation, or the place of record evidence of title, should be left to be supplied by inference or intention, nor be susceptible of doubtful meaning.

Sec. 781. Penalty for Illegally Approving Bonds.—That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of the bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both. (R. S., § 3947, as amended by act of June 23, 1874, § 12, 18 Stats., 235.)

Sec. 782. Duties of Postmasters in Approving Sureties.—In considering approval of the sureties upon a bidder's bond, the postmaster is enjoined—

1. Not to sign the approval until the bidder and his sureties have

signed the bond, and the sureties have duly signed and sworn to the oath accompanying the bond.

2. Not to accept sureties until due diligence has been exercised and their sufficiency is known or ascertained.

3. Not to accept married women, minors, or persons under guardianship, or other disabilities, as sureties; nor any persons mentioned in section seven hundred and seventy-three.

4. To see that the bonds are properly filled out, and that in the oath the description of the real estate fully complies with the requirements of section seven hundred and eighty.

5. Not to divulge to any person the amount of any proposal certified by him.

6. To bear in mind that the statute imposes upon him an important duty; and commands his dismissal from office for infidelity or negligence in its performance.

Sec. 783. Bids to be Accompanied by a Certified Check or Draft.—That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of five thousand dollars, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than five per centum on the amount of the annual pay on said route at the time such bid is made, and, in case of new or modified service, not less than five per centum of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds five thousand dollars. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits. No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed five thousand dollars shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section: *Provided*, That nothing in this act shall be construed or intended to affect any penalties or forfeitures

which have heretofore accrued under the provisions of the sections hereby amended. (R. S., § 3953, as amended by act of June 23, 1874, § 12, 18 Stats., 236.)

NOTE.—A certified check drawn by a bidder, payable to the order of the person who at the time is Postmaster-General, but omitting any reference to his official position, does not meet the requirements of the above section.

But where such check is drawn payable to the bidder or a third party, and by him indorsed payable to the order of the Postmaster-General, this is a sufficient compliance with the provisions of the section. A single check will not suffice for several persons bidding for distinct routes, nor is a deposit of bank notes or other currency in lieu of a certified check admissible. A check in form thus: "Pay to John A. J. Crowell, Postmaster-General, or order, nine hundred dollars, provided the bid of A. B. is accepted on route No. —, and he fails to enter into contract for the same; and in case bid is not accepted nor contract is made, check to be returned to drawer," is not acceptable under this statute. (14 Opins. Att'y-Gen'l., 631.) As the amount of the deposit is forfeited as soon as the failure to execute the contract is made, checks or drafts payable at a future day do not comply with the requirements of the statute, and no proposal accompanied by such checks or drafts can be considered. The checks or drafts must be directly payable to the order of the Postmaster-General without qualification or condition.

Sec. 784. Time of Returning Drafts to Unsuccessful Bidders.—The checks or drafts required to be deposited by the preceding section will be retained until after the contract has been duly executed and the service commenced by the accepted bidder. Checks and drafts of unsuccessful bidders will be mailed to them at the post-office address stated in their proposals.

Sec. 785. How Proposals must be Prepared.—Proposals must be in the forms prescribed by the Department; and on star routes must propose to transport the mails with "celerity, certainty, and security."

Bids altered in the route, the service, the yearly pay, the name of the bidder, or any material part of the bond, by erasures or interlineations, should not be submitted, and will not be considered.

A modification of a bid in any of its essential terms is tantamount to a new bid, and cannot be received so as to interfere with regular competition. A bidder desiring to change his bid should withdraw it and submit a new one.

For mode and time of withdrawal, see section 792.

Sec. 786. Bidders must Inform Themselves as to Service Required.—The distances stated in the advertisements are given according to the best information; but no increased pay will be allowed should the distance be greater than advertised, if the points to be supplied are correctly stated. Bidders must also inform themselves of and consider the weight of the mail, the likelihood of its increase, the fact that foreign

as well as domestic mails, and also post-office supplies, may be carried; the condition of roads, hills, streams, &c., also whether there be toll bridges, ferries, or obstructions of any kind increasing the cost of service. No claim for extra pay can be allowed for alleged mistakes or misapprehension as to the degree of service, nor for increased distance by reason of destruction of bridges, discontinuance of ferries, or other obstructions, occurring during the contract term. Post-offices established during the contract term are to be visited without extra pay if the distance be not increased, and at pro rata pay for any increase.

Sec. 787. Special Instructions to Bidders.—Bidders should propose for service strictly according to the advertisement, notwithstanding changes made in the existing service subsequent to the advertisement.

There should be but one route bid for in a proposal. Consolidated or combination bids (“proposing one sum for two or more routes”) can not be considered.

The route, the service, the yearly pay, the name and residence of the bidder (that is, his usual post-office address), and the name of each member of a firm where a company offers, should be distinctly stated.

Bidders are requested to carefully examine their bids to see that they are in accordance with the requirements of the advertisement, and to retain copies of them.

Sec. 788. Bidders must be Competent to Contract.—No bidder will be accepted who is under twenty-one years of age, or who is a married woman, or who is disqualified in any manner from entering into a valid, binding contract.

Sec. 789. Bidders may not Assign or Transfer their Bids.—Bids or interests in bids cannot be transferred or assigned to other parties. The bidder will therefore take notice that he will be required to enter into contract to perform the service awarded to him, and will be liable for failure, even though the contract of an assignee be tendered in lieu of his own.

Sec. 790. Combinations to Prevent Bids; Penalty.—No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified. (R. S., § 3950.)

See section 794.

RECEPTION OF PROPOSALS AND AWARD OF CONTRACTS.

Sec. 791. All Proposals to be Recorded and Filed.—The Postmaster-General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals. (R. S., § 3943.)

Sec. 792. Proposals for Carrying the Mail; how Delivered and Opened.—Proposals for carrying the mail shall be delivered sealed, and so kept until the bidding is closed, and shall then be opened and marked in the presence of the Postmaster-General and one of the Assistant Postmasters-General, or of two of the Assistant Postmasters-General, or of any other two officers of the Department, to be designated by the Postmaster-General; and any bidder may withdraw his bid at any time before twenty-four hours previous to the time fixed for the opening of proposals, by serving upon the Postmaster-General, or the Second Assistant Postmaster-General, notice in writing of such withdrawal. (R. S., § 3944.)

No withdrawal will be allowed unless received twenty-four hours previous to the time fixed for opening the proposals.

Sec. 793. Bids not to be Considered, but Rejected.—Bids, under a general or miscellaneous advertisement, received at the Post-Office Department after the time fixed in such advertisement for the receipt of bids, will not be considered. If sent by mail or express, ample time should be allowed for their transit, as they cannot be deemed to be received at the Department until actually delivered at the Contract Office. Neither can bids be considered which are without the bond, oath, and certified check required by sections seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-three.

The Postmaster-General reserves the right to reject all bids on any route whenever in his judgment the interests of the service require it.

Sec. 794. Contracts Awarded.—All contracts for carrying the mail shall be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guarantees for faithful performance, without other reference to the mode of transportation than may be necessary to provide for the due celerity, certainty, and security thereof; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract. (R. S., § 3949.)

Sec. 795. Bidders not Released from Bonds until Service is Commenced.—No bidder for carrying the mails shall be released from his obligation

under his bid or proposal, notwithstanding an award made to a lower bidder, until a contract for the designated service shall have been duly executed by such lower bidder and his sureties, and accepted, and the service entered upon by the contractor to the satisfaction of the Postmaster-General. (R. S., § 3952.)

Sec. 796. Bidder Failing, Contract with Other Persons Authorized.—That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract, as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall readvertise such route. (R. S., § 3951, as amended by act of August 11, 1876, 19 Stats., 129.)

Sec. 797. Contractor Failing, Contracts with Other Persons Authorized.—And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof (unless the Postmaster-General shall consider such bid too high), who will enter into contract and give bond, with sureties to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster-General, for the performance of the service contracted to

be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving, in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured the route shall be readvertised. (Id.) (See sections 799 and 780.)

Sec. 798. Temporary Contracts Authorized at Last Contract Price.—Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law: *Provided, however,* That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term. “And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General.” (Id.)

See note to next section.

Sec. 799. Temporary Service; when Authorized.—That in cases where special service has already been placed on new routes, the Postmaster-General may, in his discretion, extend such service until the time when service can be obtained by advertisement, not exceeding in any case one year. And whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not, in any case, exceeding one year, until the service shall have commenced under a contract made accord-

ing to law, and any provision of statute in conflict with this provision is hereby repealed. (Act of June 12, 1879, 21 Stats., 11.)

NOTE.—This section extends the limit of duration of temporary service, fixed in the preceding section at six months, to one year. See next section for additional provisions, and note thereto.

Sec. 800. Service; how Supplied on Failure of Contractor to Enter upon or Continue same.—Whenever a contractor for postal service fails to commence proper service under the contract, or, having commenced service, fails to continue in the proper performance thereof, the Postmaster-General may employ temporary service on the route, at a rate of pay per annum not to exceed the amount of the bond required to accompany proposals for service on such route, as specified in the advertisement of the route, or at not exceeding pro rata of such bond in cases where service shall have been ordered to be increased, reduced, curtailed, or changed subsequent to the execution of contract; the cost of such temporary service to be charged to the contractor, and to continue until the contractor commences or resumes the proper performance of service or until the route can be relet, as now provided by law, and service commenced under the new award of contract. All acts or parts of acts inconsistent with the provisions of this act being hereby repealed. (Act of August 3, 1883, § 2, 22 Stats., 216.)

NOTE.—This section appears to put as a limitation on the cost of new temporary service, though employed under either of the three preceding sections, that it shall not exceed the amount of the bond required in the advertisement; and also that it shall continue only until the contractor performs; but it does not apply to new service, and except as to such new service it is merely cumulative of remedy.

Sec. 801. When Postmasters may Employ Temporary Service.—When any contractor fails to begin the performance of mail service under his contract, or having begun service fails to continue the same, it is the duty of the postmaster at the head of the route [*i. e.*, the post-office first named in the advertisement and contract] to employ temporary service at the lowest rate possible, but in no case at a higher rate per annum than the amount of the bond specified in the advertisement of the route, if the route has not been changed by increase or decrease in length or in number of trips. If the route has been so changed, pay for temporary service must not exceed pro rata of the bond prescribed for the advertised service, according to the preceding section. Such service can be continued only until the contractor, in person or by agent, appears and takes charge of the route. Postmasters should immediately report to the Second Assistant Postmaster-General any action taken in employing temporary service, and are forbidden to pay for such service unless expressly directed to do so by him.

Sec. 802. Gratuitous Service in Carrying the Mail; when Permissible.—Upon application to the Second Assistant Postmaster-General, permission will be given to postmasters to send and receive mail by sworn carriers to and from their "supply offices" on other days than those on which regular trips are provided for, when such extra service can be obtained without expense to the Department. Until such permission is given, and the postmaster at the "supply office" notified thereof, he must refuse to receive matter thus brought to his office upon which stamps have been canceled, or to deliver matter for another office to any but the regular carrier.

Sec. 803. Penalty for Making Straw Bids.—Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months. And the failure or refusal of any such person or persons to enter into such contract in due form, or having entered into such contract, the failure or refusal to perform such service, shall be *prima facie* evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful. (R. S., § 3954, as amended by act of August 11, 1876, 19 Stats., 130.)

STEAMBOAT SERVICE.

Sec. 804. Contracts for Water Routes.—When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between ports of the United States, upon which mail service has previously been performed, the Postmaster-General may contract with the owner or master of any steamship, steamboat, or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted; but the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract upon the same route. And the Postmaster-General may contract with the owners or masters of steamships, steamboats, or other vessels plying upon the waters or between ports of the United States for carrying the mails upon such routes where no mail service has previously been

performed, without advertising for proposals therefor; but no contract for such new service shall be for a longer time than one year. No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress. So much of sections thirty-nine hundred and forty-three, thirty-nine hundred and fifty-six (sec. 772), and thirty-nine hundred and seventy of the Revised Statutes as is in conflict with the preceding sections is hereby repealed. (Act of May 17, 1878, § 5, 20 Stats., 62.)

FOR AUTHORITY TO CONTRACT FOR LIMITED SEA ROUTE AS DOMESTIC SERVICE, see section 737.

Sec. 805. Mail Apartments to be Furnished on Mail Steamboats.—On routes where steamboat service is in operation the contractor will be required to furnish steamboats which are safe, suitable, and satisfactory to the Postmaster-General.

As a postal clerk may be placed on each boat to take entire charge of the mails and all mail matter, the contractor may be required to fit up, on each boat employed in the service, a room suitable for an office, with a sleeping apartment attached, for the exclusive use of the postal clerk, and to furnish first-class board to such clerk without charge.

EXECUTION OF CONTRACTS AND REQUIREMENTS OF PERFORMANCE.

Sec. 806. Time of Executing Contracts.—Contracts are to be executed in duplicate and both filed in the Department by or before the day specified in the advertisement for proposals; otherwise the accepted bidder will be considered as having failed, and the Postmaster-General may proceed to contract for the service with other parties according to law.

A copy will be furnished the contractor if requested.

Sec. 807. Requirements of Contractors.—All contractors are required—

1. To carry the entire mail whatever its weight or bulk and whatever may be the mode of conveyance necessary to transport it; and no additional pay can be allowed for any increase in the size or weight of the mail during the contract term.

2. Not to leave bags of newspapers and pamphlets on their routes, except at the proper offices of destination or distribution thereof.

3. To give due attention to the preservation of mail bags, and not to allow them to be dragged about or otherwise injured.

4. To carry all post-office blanks or other supplies, all mail bags, locks, and keys, without extra charge.

5. To carry free of charge, when the mode of conveyance admits of it, all post-office inspectors or other special agents of the Department, on production of their credentials; and any sums exacted for transportation of such officers will be deducted from their contract pay.

6. To observe all other requirements, whether of the laws, regulations, or orders of the Department, or inserted in their contracts, respecting the performance of their duties.

Sec. 808. For what Causes Contracts may be Annulled.—The Postmaster-General may annul a contract for the following delinquencies on the part of the contractor :

1. For repeated failure to run agreeably to contract.
2. For assigning the contract.
3. For violation of the postal laws or disobeying the instructions of the Department.
4. For refusing to discharge a carrier when required by the Department.
5. For transporting persons or packages conveying mail matter out of the mail, except as authorized by law.
6. When the contract has been sublet for less than the contract price, as authorized in section eight hundred and twenty-three.
7. For failure to furnish a new surety when required under the next section.
8. For any other cause specified in the contract or any statute.

Sec. 809. New Sureties on Contracts may be Required or Accepted.—The Postmaster-General, whenever he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety. (R. S., § 3955, as amended by act of March 3, 1879, § 30, 20 Stats., 362.)

Sec. 810. Payment on Contracts.—No person whose bid for carrying the mail is accepted shall receive any pay until he has executed his contract according to law and the regulations of the Department. (R. S., § 3950.)

That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any one of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied. (Act of May 4, 1882, 22 Stats., 54.)

Payments will be made by warrant on the Treasury direct from the Department, after the expiration of each quarter, and as soon as accounts can be settled, if required evidence of service has been received.

A contractor for carrying the mail cannot draw pay from the Department for services rendered or work done prior to his taking the oath. (11 Opin. Attorney-General, 498.)

Sec. 811. After Contracts Expire Postmasters may not Pay for Service.—After the expiration of a contract, and until the Postmaster-General has decided upon a new contract, or upon the expediency of discontinuing the post-office, postmasters cannot make any contract or payment for service, special or temporary, unless expressly authorized to do so by the Postmaster-General.

Sec. 812. Changes of Schedule Time of Arrival and Departure.—The Postmaster-General may change schedules of departures and arrivals in all cases, without increase of pay, provided the running time be not abridged. But an application for schedule change will not be granted—

1. Without the assent of the postmasters at the ends of the route, except in case of manifest necessity.
2. Unless agreed to by the contractor and his sureties, except in cases where the propriety of the change is clearly shown.
3. If more running time be asked than is given in the contract schedules, or more than pro rata time on routes which have been curtailed.
4. If it break connection with any other route.
5. If it put the mail on a wrong day for the newspapers circulated over the route.
6. If it prevent or lessen any other accommodation to the public.
7. Without the approval of all postmasters, when it is asked that an intermediate office be made a schedule point.
8. If it fail to show a good reason for the change.

Sec. 813. Increase of Compensation for Increased Service.—Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service, and when any such additional service is ordered the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order. (R. S., § 3960.)

Sec. 814. Extension of Mail Service on Routes.—That the Postmaster-General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract, at not exceeding pro rata additional pay, for any distance not exceeding twenty-five miles beyond either terminal point named in said contract: *Provided*, That no service shall be extended beyond the original terminal points more than once during the term for which the contract shall have been made. (Act of August 3, 1832, § 1, 22 Stats., 216.)

Sec. 815. Increase of Compensation for Increased Celerity.—No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made

necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution. (R. S., § 3961.)

Provided, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding fifty per centum upon the contract as originally let. (Act of April 7, 1880, § 2 in part, 21 Stats., 72.)

Sec. 816. Increased Celerity; how Provided.—Whenever it shall become necessary to increase the speed upon which the mail is carried on any post route, the contractor shall have the option of continuing service upon the expedited running time, with the consent of his sureties, without additional compensation; but if after offer he does not promptly so agree to so continue the service, it shall be readvertised for the reduced running time required.

Sec. 817. Decreased Compensation for Decreased Service.—The Postmaster-General may discontinue or curtail the service on any route, in whole or in part, in order to place on the route superior service, or whenever the public interests, in his judgment, shall require such discontinuance or curtailment for any other cause; he allowing, as full indemnity to the contractor, one month's extra pay on the amount of services dispensed with, and a *pro rata* compensation for the amount of services retained and continued.

NOTE.—The one month's extra pay provided to be paid by this section is the full measure of the contractor's damages for the Postmaster-General's refusal to let the contract be carried into effect. (*Garfield's Case*, 11 Ct. Claims, 322; 93 U. S., 242.)

SUBLETTING OF CONTRACTS.

Sec. 818. Contracts cannot be Assigned or Transferred.—No contractor for transporting the mail within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void. (R. S., § 3963.)

Sec. 819. Contracts not Sublet without Consent of Postmaster-General.—Hereafter no subletting or transfer of any mail contracts shall be permitted without the consent in writing of the Postmaster-General; and whenever it shall come to the knowledge of the Postmaster-General that any contractor has sublet or transferred his contract, except with the consent of the Postmaster-General as aforesaid, the same shall be considered as violated and the service may be again advertised as herein provided for; and the contractor and his securities shall be liable on their bond to the United States for any damage resulting to the United States in the premises. (Act of May 17, 1878, § 2, 20 Stats., 62.)

See 16 Opins. Atty.-Gen., 61.

Sec. 820. Subcontracts Permissible with Consent of Postmaster-General.—Hereafter, when any person or persons being under contract with the Government of the United States for carrying the mails, shall lawfully sublet any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Second Assistant Postmaster-General a copy of his or their contract; and thereupon it shall be the duty of the Second Assistant Postmaster-General to notify the Auditor of the Treasury for the Post-Office Department of the fact of the filing in his office of such contract. Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the subcontractor or subcontractors, and the amount agreed to be paid to the subcontractor or subcontractors. And upon the receipt of said notice by the Auditor of the Treasury for the Post-Office Department, it shall be his duty to retain, out of the amount due the original contractor or contractors, the amount stated in said notice as agreed to be paid to the subcontractor or subcontractors, and shall pay said amount, upon the certificate of the Second Assistant Postmaster-General, to the subcontractor or subcontractors, under the same rules and regulations now governing the payments made to original contractors: *Provided*, That upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the subcontractor or subcontractors, it shall be the duty of the Second Assistant Postmaster-General to certify such fact to the Auditor of the Treasury for the Post-Office Department; and thereupon said Auditor shall settle with the original contractor or contractors, under the same rules as are now provided by law for such settlements. (Act of May 17, 1878, § 3, 20 Stats., 62.)

Sec. 821. Regulations under which Subcontracts may be Made.—Contractors must in all cases secure the permission of the Postmaster-General before making a subcontract on any route. The application to sublet must be made separately for each route, specifying the number and terminal points thereof.

A subcontract must embrace but one route, must be executed for service upon the whole route, and for a period not less than one year, or for the balance of the contract term when less than one year, and it must be filed by the contractor in the office of the Second Assistant Postmaster-General within thirty days after the time when service is to begin under it. It must be executed in the form prescribed by the Postmaster-General, and must specify the rate to be paid per annum under it in case the service shall be changed; must stipulate that the sub-

contractor shall assume liability for fines and deductions, and that he shall receive pro rata of the one month's extra pay allowed the contractor for curtailment, reduction, or discontinuance of service.

None of the stipulations of the subcontract (Form No. 2075) are to be eliminated therefrom, and no collateral stipulations of any character whatever are to be added thereto.

The execution of a subcontract on any route without permission, or, if after permission, in violation of these instructions, renders the original contract liable to annulment.

Neither the permission to sublet, nor the recognition of the subcontract made in pursuance thereof, shall be construed as releasing the contractor from any of the obligations of his contract with the United States.

The subcontractor must be a resident of a locality upon or contiguous to the route. The evidence of payment of a subcontractor by a contractor, provided in the next preceding section, must be the receipt of the subcontractor, attested by a postmaster at a terminus of the route sublet, on a form prescribed by the Second Assistant Postmaster-General.

Should it become necessary to file a copy of a subcontract, such copy must be certified to be a true copy of the original by a postmaster at one of the termini of the route therein sublet.

No subcontract can be recognized unless made with the original contractor.

Contractors who desire credits for payments to subcontractors of record, are required to file notice of their intention to make such payments in the office of the Second Assistant Postmaster-General (Division of Inspection) within ten days after the expiration of the quarter to which such payment or proposed payment relates, and to file in such office within thirty days after the expiration of the quarter the prescribed receipt showing the payment.

Sec. 322. Lien of the Employé of a Mail Contractor.—*And provided further,* That, if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the Department his contract for such service, and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of the same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the quarter in which such service shall have been performed, the Postmaster-General may cause the amount due to be paid said party or parties and

charged to the contractor, provided that such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor. (Act of May 4, 1882, 22 Stats., 54.)

Sec. 823. Postmaster-General may Annul Sublet Contracts.—That whenever any contractor or subcontractor shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may, whenever he shall deem it for the good of the service, declare the original contract at an end, and enter into a contract with the last subcontractor, without advertising, to perform the service on the terms at which the last subcontractor agreed with the original contractor or former subcontractor to perform the same: *Provided*, That such last subcontractor shall enter into a good and sufficient bond, and that the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last subcontractor and accepted by the Post-Office Department: *Provided further*, That when a contract hereafter made is declared void on account of its having been sublet, the contractor shall not be entitled to one month's extra pay as provided by law. (Act of May 4, 1882, 22 Stats., 53.)

Sec. 824. Copies of Mail Contracts for the Auditor.—The Postmaster-General shall deliver to the Sixth Auditor, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof. (R. S., § 404.)

CHAPTER TWENTY-SEVEN.

FOREIGN MAIL SERVICE.

Sec. 825. Transportation of Domestic Mails through Foreign Countries.—The Postmaster-General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor. (R. S., § 4006.)

Sec. 826. Contracts for Carrying Foreign Mails.—The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign

country whenever the public interests will thereby be promoted. (R. S., § 4007.) No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress. (Act of May 17, 1878, § 5, 20 Stats., 62.)

Sec. 827. How Foreign Mails may be Carried.—The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby. (R. S., § 4008.)

Sec. 828. Limit of Compensation for Carrying Foreign Mails.—For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported. (R. S., § 4009.)

Sec. 829. Foreign Mail Contractors may be Fined.—The Postmaster-General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip. (R. S., § 4010.)

Sec. 830. Foreign Mail Contracts may be Terminated by Congress.—Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress. (R. S., § 4011.)

Sec. 831. Transportation of Foreign Mails through the United States.—The Postmaster-General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the Post-Office Department of the country whose privilege is to be annulled. (R. S., § 4012.)

Sec. 832. Foreign Mails in Transit to be Treated as Domestic.—Every foreign mail shall, while being transported across the territory of the United States under the provisions of the preceding section, be deemed and taken to be a mail of the United States, so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment for any such offense the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment it shall be deemed and held to be, a mail or part of a mail of the United States. (R. S., § 4013.)

FOR AUTHORITY OF POSTMASTER-GENERAL TO MAKE POSTAL CONVENTIONS WITH FOREIGN COUNTRIES and provisions respecting their publication, see sections 383-387.

FOR STATUTE FORBIDDING ANY VESSEL DEPARTING for any port to convey any mail not received from a post-office, see section 713.

FOR STATUTE REQUIRING ANY VESSEL ARRIVING TO PROMPTLY DELIVER LETTERS IN POST-OFFICE, see section 714.

SPECIAL ARRANGEMENTS WITH POSTAL UNION COUNTRIES.

Sec. 833. Rights of Transportation.—Any Postal Union country may send by the postal transportation service of other Postal Union countries, both closed mails and admissible correspondence in open mails according to the requirements of trade and the convenience of the postal service, either by sea or land.

FOR LIST OF POSTAL UNION COUNTRIES and CLASSIFICATION OF MAIL MATTER AND RATES OF POSTAGE, see chapter twelve.

Sec. 834. Transportation Charges.—Each Postal Union country whose transportation is so employed is entitled to be paid by the transmitting country the following transit charges, viz :

1. For territorial conveyance, two francs ($38\frac{6}{10}$ cents) per kilogram (two pounds and three ounces) of letters or postal cards, and twenty-five centimes (five cents) per kilogram of other matter.

2. For sea conveyance fifteen francs (two dollars and $89\frac{1}{2}$ cents) per kilogram of letters and post cards, and one franc ($19\frac{3}{10}$ cents) per kilogram of other articles.

Subject, however, to the condition that wherever the rate of sea transit was in 1873 five francs per kilogram of letters and post cards and fifty centimes per kilogram of other articles, such rates continue.

3. But every sea conveyance not exceeding three hundred nautical miles is gratuitous, if the administration furnishing it is already entitled, on account of mails or correspondence receiving the benefit of such conveyance, to the compensation for territorial transit above pro-

vided ; otherwise for such sea conveyance it receives the rate of territorial transit therefor.

4. When the sea conveyance is effected by two or more administrations the entire cost is limited to the rate provided in the second paragraph, to be shared between the administrations pro rata for the distances traversed, unless different arrangements are made between the parties interested.

5. The foregoing rates do not apply to conveyance by countries foreign to the Postal Union, nor to the expedited service of the East India Mail, transportation of closed mails by the United States between the Atlantic and Pacific Ocean, or railroad transportation between Colon and Panama ; all of which are regulated by mutual agreement between the countries concerned.

6. No charge is made for conveyance of correspondence of the postal administrations of the different countries with each other, for the return of postal reply cards to the country of origin, for articles forwarded or missent, undeliverable articles, return receipts, post-office money-orders, advices of the issue of orders, or any other document relative to the postal service.

Sec. 835. Settlement of Transportation Charges is made upon the basis of statistics taken during a period of twenty-eight days in each three years.

For detailed provisions, see Postal Union Convention.

CHAPTER TWENTY-EIGHT.

SHIP AND STEAMBOAT LETTERS.

Sec. 836. Letters on Inland Steamboats.—The master of any steamboat passing between ports or places in the United States, and arriving at any such port or place where there is a post-office, shall deliver to the postmaster, within three hours after his arrival, if in the day time, and if at night, within two hours after the next sunrise, all letters and packets brought by him, or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or packet so delivered, unless the same is carried under a contract for carrying the mail ; and for every failure to so deliver such letters and packets, the master or owner of the steamboat shall be liable to a penalty of one hundred and fifty dollars. (R. S., § 3977.)

Sec. 837. Payment for Ship Letters.—The Postmaster-General may pay

to the master or owner of any vessel not regularly employed in carrying the mail two cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post-office at the port of arrival. (R. S., § 3978.)

Sec. 838. Double Postage on Ship Letters.—All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be rated with double postage to cover the fee paid to the vessel. (R. S., § 3913.)

Sec. 839. Definition of Ship Letters.—The terms ship letters and packets embrace the letters and packets brought into the United States from foreign countries, or carried from one port in the United States to another, in any private ship or vessel not regularly employed in carrying the mail, and in the latter case over a route where the mail is not regularly carried, before such letters have been mailed.

Sec. 840. Manner of Collecting Ship Fees.—The rates of postage are not to be increased on letters and packets carried in a private ship or vessel from one port in the United States to another, though a part of the voyage be over a water declared to be a post road. Thus, the Mississippi River, from New Orleans to the mouth, is a post road; yet letters carried by ship between New Orleans and any other seaport in the United States are subject to the usual ship-letter postage. But if the whole of the water between any two ports be a post road by law, then inland postage will be charged. It is the special duty of the postmaster at a port where vessels may enter to see that this section is strictly observed and enforced. Every such postmaster will obtain from the master of the ship or vessel a certificate specifying the number of letters, with the name of the ship or vessel, and place from which she last sailed; and upon each letter which has not been before mailed, and which shall be delivered into his post-office for mailing or delivery, he shall pay to the said master or owner two cents, and take his receipt therefor.

Sec. 841. Rating up Postage on Ship Letters.—At the post-office where deposited such letters will be charged with double rates of postage, to be collected at the office of delivery; that is to say, four cents for the single weight if mailed, and four cents the single weight if delivered at the post-office; but if such letter has been prepaid by United States stamps at such double rate of postage, no additional charge will be made, and all United States postage stamps affixed thereto will be recognized to the extent of their value as part payment.

Sec. 842. No Fee on Foreign-Addressed Letters.—If such letter is addressed to any point in a foreign country, no fee will be allowed thereon by the

postmaster to the carrier. Such letters, however, should all be marked "SHIP."

Sec. 843. No Fees to Passengers or Sailors.—If the letters be delivered into the post-office by a passenger or sailor, and not in behalf of the master, nothing is to be paid for them; they are, nevertheless, to be charged with double postage, and the number entered in the account of ship letters, with the name of the vessel in which they were brought. They will then be forwarded as other ship letters, the postage to be collected at the post-office of delivery.

Sec. 844. Letters on Mail Steamboats; how Disposed of.—All letters placed on a mail steamboat, on which the mails are in charge of a postal clerk, should go into the hands of such clerk; and on these letters the master of the vessel is not entitled to receive any compensation. None but letters on which at least one full rate of postage has been paid should be received on such steamboat, and these should be duly mailed. But should any chance to be unpaid, they should be deposited by the clerk in the post-office at the terminal point of his route, where the postmaster will treat them in all respects as other unpaid letters.

Sec. 845. Account of Ship and Steamboat Letters to be kept.—Letters brought by steamboats should be marked "Steamboat" at the time of receiving them; and postmasters will keep an account of both ship and steamboat letters received, stating the sums paid for them and the postage chargeable thereon.

Sec. 846. No Fees to Mail Vessels.—No fees will be allowed to any vessel or to any person on board any vessel which carries the mail, nor to any mail carrier on any mail route by land or water.

Sec. 847. Printed Ship Matter; how to be Treated.—Printed matter delivered to a postmaster by the master of a vessel arriving from a foreign port, and not regularly engaged in carrying the mail, which is wholly unpaid, shall be forwarded by such postmaster to its post-office of destination charged with double third-class rates of domestic postage, to be collected on delivery. No fee, however, shall be paid for such matter.

CHAPTER TWENTY-NINE.

INSPECTION OF SERVICE AND OF FINES AND DEDUCTIONS.

Sec. 848. Deductions for Contractors' Failures; Fines for Delinquencies.—The Postmaster-General may make deductions from the pay of contractors for failures to perform service according to contract, and impose fines upon them for other delinquencies. He may deduct the

price of the trip in all cases where the trip is not performed; and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier. (R. S., § 3962.)

NOTE.—Railroad companies are subject to fines and deductions under the above section. The act of March 3, 1879 (20 Stats., §§ 5, 33, 358, 363), prescribing the deductions to be made from railroad companies for failures, &c., and its repeal by the act of June 11, 1880 (21 Stats., 178), do not operate to repeal section 3962 of the Revised Statutes, nor render it inapplicable to railroad companies carrying the mail, (*R. R. Co. v. The United States*, 21 Court of Claims R., 172.)

Sec. 849. Causes for which Fines will be Imposed.—Fines will be imposed, unless satisfactory excuse be made in due time, for each of the following delinquencies on the part of the contractor, viz:

1. Failing to take from or deliver at a post-office the mail or any part of it.

2. Suffering the mail or any part of it to be wet, injured, lost, or destroyed.

3. Conveying it in a place or manner that exposes it to depredation, loss, or injury.

4. Refusing, after demand, to convey a mail by any coach, railroad car, or steamboat, which the contractor regularly runs or is concerned in running on the route, beyond the specific number of trips in the contract.

5. Failure to arrive at the time fixed by the schedule, or to deliver the mail into the post-office immediately upon arrival.

6. Leaving or putting aside a mail, or any part of it, for the accommodation of passengers, freight, or express matter.

7. For other delinquencies or violations of the terms of the contract, or the lawful requirements or regulations of the Department.

The fine will in each case be such sum as the Postmaster-General may impose, in view of the gravity of the delinquency, and will be deducted from the contractor's pay for service on the route whereon the delinquency occurred, or on any routes under contract with him. (See section 810.)

Sec. 850. Causes for which Deductions must be Made.—In all cases there will be a deduction of the price of a trip when the trip is not run; of not more than three times the pay of the trip if the failure be occasioned by the fault of the contractor or carrier; of at least one-fourth of it when the arrival is so far behind time as to lose the connection with a depending mail.

Deductions, within the limit fixed by law (section 848), will be made, in amount, according to the nature or frequency of the failures and the importance of the mail.

Sec. 851. Delivery of Mails to Way Post-Offices on Star Routes.—When the mail is carried in a vehicle drawn by horses, the driver will not be required to leave his team in order to deliver the mail to way post-offices, except where the carrier remains over night, in which case he must deposit the mail in the post-office. (Sec. 547.) In no case should the mail be thrown upon the ground. Postmasters and carriers of the mail must report to the Second Assistant Postmaster-General (Division of Inspection) any violations of this section by either.

Sec. 852. Register of Arrivals and Departures of the Mail.—The Postmaster-General shall furnish to the postmasters at the termination of each route a schedule of the time of arrival and departure of the mail at their offices, respectively, to be posted in a conspicuous place in the office; and he shall also give them notice of any change in the arrival and departure that may be ordered; and he shall cause to be kept and returned to the Department, at short and regular intervals, registers, showing the exact times of the arrivals and departures of the mail. (R. S., § 3841.)

Sec. 853. Postmasters to Report Delinquent Mail Carriers.—Every postmaster shall promptly report to the Postmaster-General every delinquency, neglect, or malpractice of the contractors, their agents or carriers, which may come to their knowledge. (R. S., § 3849.)

Sec. 854. Postmasters' Report of Arrivals and Departure of the Mails.—Postmasters at the end of every mail route, and at such other post-offices as the Postmaster-General may direct, will be furnished with blank forms from the office of the Second Assistant Postmaster-General (Division of Inspection) upon which they will report the exact times of the arrivals and departures of all the mails which are opened at their post-offices, as required in section eight hundred and fifty-two. Care must be taken in filling the blank forms furnished, giving name of post-office, county, and State, number of route, names of the places where it terminates, schedule days, and hours of arrival and departure, name of contractor, name of carrier, and mode of carrying the mail. The report should be fully dated, giving the day of the week, the month, and the year. When there is a failure to arrive or depart, the postmaster should write opposite to its date on the face of the report the word **FAILURE**; when the arrival is so far behind the schedule time as to fail to connect with a depending mail or mails, the words **FAILED TO CONNECT**; and when the arrival is after the schedule time, causing complaint, although not missing connection, the word **COMPLAINT**. The cause of each failure must be noted upon the back of the report; also whether the carrier makes every proper effort to arrive and depart according to the schedule.

Whenever the mail is carried by any other person than the contractor or his authorized agent or carrier, the fact is to be noted on the report.

Sec. 855. Special Reports; when Required.—In addition to the above regular report, postmasters, whether at terminal or intermediate post-offices, will make special reports when mails are received wet or in otherwise bad condition; also of any extraordinary failures, interruptions, or abandonment of routes; and from time to time of all information that may aid the Department in enforcing the strictest performance of duty on the part of contractors, and securing for the community the greatest possible regularity, safety, and efficiency in the mail service. The special reports should state the number, or, if the number is not known, the termini of the route.

Sec. 856. Certain Delinquencies and Irregularities to be Specially Reported.—Every postmaster will specially report to the Second Assistant Postmaster-General—

1. Every instance in which the mail is brought to his post-office by a person under sixteen years of age, or by a person who has not duly taken the oath prescribed in section forty-four.

2. Every instance when a mail carrier in charge of the mails becomes intoxicated. The postmaster will in such case dismiss the carrier and employ another at the expense of the contractor.

3. Every instance in which the carrier stops over night at the place of his post-office without depositing the mail therein.

4. Every instance when the mail arrives without a lock, and by whose fault, if the same can be ascertained.

5. Every case where mails are carried by steamers or vessels landing near his post-office, and are left exposed on deck, or are not secured in some proper place under lock and key.

6. All cases in which mails that are sent from or received at his office are not properly protected from the weather; and he will call the carrier's attention to such delinquencies and see that they are corrected.

The special reports required by this and the preceding section must be made whenever the delinquencies required to be reported occur, or necessity requires.

Sec. 857. When Postmasters must Notify Contractors of Failures.—Failures of mails to arrive at the ends of routes and other points within contract time cannot but be known in all cases to contractors or their agents. No notice, therefore, is necessary to be given to contractors of failures to arrive at any post-office on contract time, as reported by the postmasters to the Department; but when the failure is caused by the neglect of a carrier employed by the contractor, the postmaster will notify

the contractor of the failure, if his address be known, and require him to take measures to prevent its recurrence.

Sec. 858. Reports; how Sent and Preserved.—The regular reports above required must be sent by the first mail after the close of each month to the Second Assistant Postmaster-General (Division of Inspection), and a duplicate retained by the postmaster and carefully preserved to be turned over to his successor. In case of failure to receive the report at the Department, a duplicate will be called for and must be promptly sent. Neglect to send reports or duplicates when called for will be ground for removal; as delays in payment of contractors and obstruction to the service are caused thereby.

Sec. 859. Contractors to Make Specific Excuses for each Delinquency.—Should a mail at any time fail to arrive at the end of a route, or at any intermediate post-office, where the time of arrival is fixed, within the time specified in the contract or schedule, the contractor must immediately, by himself or agent, send his excuse, if he have any, to the Second Assistant Postmaster-General (Division of Inspection), setting forth particularly the cause of the failure. A specific excuse is required for each delinquency of a contractor, and mere general allegations will not be admitted. If bad roads be alleged, a specific report must be made of what portion of the road was so bad as to obstruct the mails, and what its peculiar condition was; if high waters, it must be shown what water-courses were impassable; and so of all other excuses. If part of the trip only was performed, the report must show what part, and give the distance traveled, and the reason, fully detailed, for failure to make the other part.

CHAPTER THIRTY.

OF MAIL EQUIPMENTS.

MAIL BAGS.

Sec. 860. Term "Mail Bags" Includes—

Mail Pouches (used for every mode of conveyance excepting horse back), of five different sizes, the largest being No. 1.

Horse Mail Bags (for horseback service only), of three different sizes, the largest being No. 1.

Mail-Catcher Pouches (of one size only), designed exclusively for exchange of mails on railways by catchers and cranes.

Jute-Canvas Mail Sacks (not locked, but tied with cord), designed for printed and third and fourth class matter not registered.

Through Registered Mail Pouches, of sizes No. 1 and 2, used, where authorized, for exchanges of direct pouches of only registered matter.

Inner Registered Mail Sacks, of sizes No. 1, 2, 3, and 4, used, where authorized, for direct bagging of only registered matter.

Foreign Mail Sacks (of blue striped cotton canvas) of sizes Nos. 0, 1, 2, and 3, used only for despatching mails to foreign countries.

Foreign Registered Mail Sacks (made of blue striped cotton canvas), of sizes No. 0, 1, 2, and 3, used only for despatching registered matter to foreign countries.

Coin Mail Sacks, one size, for sending money-order funds in coin.

Sec. 861. *How Provided.*—Mail bags are manufactured for the Department, under contracts, securing uniformity of pattern, quality, and size. They are furnished by the Department for the needs of the postal service; and are not to be purchased by postmasters or mail contractors; and no allowance will be made for such purchases by them unless made under special instructions from the Department.

Sec. 862. *Every Mail Route must be Supplied with Mail Bags.*—Every mail route must always be duly provided with suitable mail bags and locks, in good and safe condition. Postmasters, especially those at the ends of routes, must see to this, and promptly make application for such as are needed. It is their duty to look constantly to the condition of mail bags in use, permitting none to be used which are too much worn or otherwise unsafe, and to report any damage discovered to have been done to them, whether through accident, negligence, or design, while in the custody of carriers.

A separate mail bag for letters, or for any registered matter, is not to be provided or used for any intermediate post-office on a "star route," it being the duty of the postmaster at every intermediate post-office, chiefly on account of the regulations relating to registered matter in transit, to receive and dispatch letters and all registered matter in one locked pouch, which is to be used and opened at every intermediate post-office throughout the route; no separation of registered matter in transit being allowed, except in cases in which a separate through pouch, under the brass lock, for ordinary and registered mail matter, destined for the terminal office and points beyond, may be authorized by special instructions from the Third Assistant Postmaster-General. This rule, however, does not apply to the use of tied canvas sacks for printed and third and fourth class matter, not registered, which, on account of its bulk, it may in some cases be necessary and convenient to separate for intermediate post-offices on a "star route."

Sec. 863. *Applications for Mail Bags.*—Applications for mail bags must be made to the Second Assistant Postmaster-General (Division of Mail

Equipments), and must state why they are needed, the number, size, and capacity of each, the number of the mail route (or its terminal points), and the mode of conveyance thereon. Bags received with mail matter must not be withheld from return; but timely application must be made before those in use become too much worn for safety, and the old ones must be sent to the nearest depository on receipt of new ones.

Sec. 864. Legitimate Use of Mail Bags Restricted.—The legitimate use of mail bags is restricted to the transmission of mailable matter while under the care, custody, and control of the Post-Office Department, through its postmasters and other authorized agents. Their application to any other uses than those of this Department is illegal and strictly forbidden. The stealing, purloining, converting from proper use, or conveying away, to the detriment of the service, of any mail bags, is an offense by law, punishable with fine and imprisonment. (See section 1455.)

The use of mail bags as receptacles for waste paper or office sweepings is prohibited.

The experimental use in the postal service of alleged improvements in mail bags or other mail equipments, patented or not, is forbidden, unless specially authorized by an order from the Postmaster-General.

Sec. 865. Canvas Sacks may be Taken by Publishers.—Whenever, in any post-office in the large towns and cities, there is an extreme necessity of extending to publishers the privilege of taking canvas sacks to their printing offices to be there filled with printed matter for the mails, the postmaster must keep an exact account with each publisher of the number of sacks taken from and returned to his post office on every occasion. Besides the account kept in the post-office for that purpose, pass-books should be used between the several printing offices and the post-office. No sacks should be delivered for any publisher, except on presentation of his pass-book, in which he is to be debited with the number of sacks intrusted to him and credited with the number returned; and for the due return of all sacks so intrusted to him each publisher shall be held responsible.

Sec. 866. Sacks Containing Public Documents.—Postmasters, especially those at the places of residence of members of Congress (to whose post-offices canvas sacks containing public documents are sent from Washington, D. C.), must see that all such sacks are emptied and sent back to the post-office in the latter place.

In like manner mail sacks containing post-office supplies sent from the Department must be emptied and returned.

In the transmission of empty mail bags of any kind, they should always have inside a slip showing plainly whence they were transmitted,

and be duly labeled for their destination. Empty mail bags in transit, duly labeled, should never be diverted from their destination as labeled.

Sec. 867. Canadian Mail Bags.—All mail bags received from Canada must be promptly returned empty, pursuant to arrangements made with that country, and all postmasters and other officers and employés are prohibited from any use of such bags.

Sec. 868. Equal Exchange or Reciprocal Return of Locked Pouches.—All exchanges of locked pouches between post-offices should be as nearly equalized in frequency and quantities as circumstances will admit, and all extra pouches received with mail matter are required to be promptly returned whence they were received, whether there is mail matter to send back in them or not.

Sec. 869. Waste or Abuse of Mail Bags to be Prevented.—It is the duty of postmasters and other agents of this Department to prevent, whenever in their power, any waste or abuse of mail bags; to reclaim them from improper hands; and to give information of every instance of theft or illegal use of mail bags coming to their knowledge.

Sec. 870. Fastening Strap Never to be Cut.—The fastening strap of a mail bag should never be cut; but if ever done, the strap must not afterwards be spliced, but a new one put on instead of the strap cut. When the staple is cut asunder, the bag should have a new one applied before being used again.

Sec. 871. What Mutilation of a Mail Bag may be Allowed.—When a mail bag has a damaged or defective lock upon it, which cannot be opened with the proper key in good order, such lock should be removed without further damage, where there are a bag and lock in good condition to substitute for them, by filing or cutting asunder that staple of the bag to which the lock is fastened. No other mutilation of a mail bag is admissible under any circumstances whatever, except by railway postal clerks, as authorized in section nine hundred and fifty-three. When the staple is cut, the mail bag must not be used again until a new staple shall have been applied to it.

The cutting, mutilation, or tying into hard knots, of the regulation lacing cord on canvas mail sacks, or the willful detachment of the fasteners therefrom, are positively forbidden.

All cord fasteners which may accidentally become detached, or which may have been removed from worn out sacks, should be promptly sent from time to time to the Second Assistant Postmaster-General (Mail Equipment Division).

Sec. 872. Register of Outgoing and Incoming Mails to be Kept.—In all post-offices where many lock pouches are sent and received daily, such a register of the outgoing and incoming mails should be kept as will show

the places to which separate locked pouches are sent and from which they are received, as well as the number sent to and received from each daily. Postmasters will give particular attention to keeping such registers, and will be guided by the same in correcting all disparities in their exchanges of locked pouches.

Sec. 873. Repairs of Mail Bags by Postmasters, &c.—When a mail bag in use becomes so damaged as to require slight repairs, and the postmaster at the end of the route where it first arrives in that condition has not a good bag to substitute for it, he must immediately have it repaired at a reasonable cost, charging the amount paid therefor in his account of contingent expenses, and sending to the Auditor with his quarterly returns a bill and receipt rendered by the mender of the bag as a proper voucher for the allowance of the moneys so paid and charged by him. In having repairs of mail bags done, the postmaster should direct the person performing the work to specify in his bill, whenever practicable, the number of each size of every kind of mail bags repaired, and the nature and price of repairs done to each.

Sec. 874. Mail Bag in Transit becoming Unsound.—In case a mail bag in transit becomes too unsound to convey the mail with safety to the end of the route, the postmaster first discovering its bad condition must have it repaired immediately, even if he has no suitable mail bag to substitute for it, and must therefore detain the mail until the needful repairs can be done. Postmasters whose post-offices are not mail-bag depositories should not have surplus mail bags repaired, but such bags only as are in demand for immediate use.

Sec. 875. Names of Depositories for Mail Bags and Locks.—The following post-offices are depositories for mail bags and locks, where mail bags and locks, new and old, are collected and distributed, under special instructions from the Second Assistant Postmaster-General: *Portland and Bangor, Maine; Concord, New Hampshire; Rutland, Vermont; Boston, Massachusetts; Providence, Rhode Island; Hartford and New Haven, Connecticut; New York, Albany, and Buffalo, New York; Trenton, New Jersey; Philadelphia, Harrisburg, and Pittsburgh, Pennsylvania; Baltimore, Maryland; Washington, District of Columbia; Richmond, Virginia; Wheeling, West Virginia; Raleigh, North Carolina; Charleston and Columbia, South Carolina; Atlanta and Savannah, Georgia; Tallahassee, Florida; Mobile and Montgomery, Alabama; Jackson, Mississippi; New Orleans, Louisiana; Little Rock, Arkansas; Nashville and Memphis, Tennessee; Louisville, Kentucky; Cincinnati and Cleveland, Ohio; Detroit, Michigan; Indianapolis, Indiana; Springfield and Chicago, Illinois; Saint Louis, Missouri; Milwaukee, Wisconsin; Des Moines and Dubuque, Iowa; Saint Paul, Minnesota; Galveston, Texas; San Francisco, Cali-*

*for*nia; *Portland, Oregon*; *Salt Lake City, Utah Territory*; *Lawrence, Kansas*; *Omaha, Nebraska*; and *Denver, Colorado*.

Sec. 876. Accounts of Depository Post-Offices to be Rendered.—It is the duty of every postmaster whose post-office is a depository for mail bags and locks to render to the office of the Second Assistant Postmaster-General (Division of Mail Equipments) an account at the end of every month showing the number of each kind of mail locks and of each size of the several kinds of mail bags on hand at the beginning of and received during the month, of those furnished to other post-offices, of those in actual use in his post-office, and of those remaining on hand not in use, but ready for distribution. Blanks for this purpose will be furnished, from time to time, on application to the Second Assistant Postmaster-General (Division of Mail Equipments).

Sec. 877. Surplus Stock to be Kept Apart from the Current Stock.—Each postmaster at a depository for mail bags and locks must be careful to keep apart from the mail bags and locks required for current use of his post-office all surplus articles of that kind, and to consider them as deposited for distribution in such manner as may be directed by the Department. For all mail bags and locks so distributed he will obtain receipts, which are to be transmitted immediately to the Department. He may withdraw mail bags and locks from the surplus stock on deposit to supply wants of his own post-office, and requisitions of the Railway Mail Service, but not to supply other post-offices, without special instructions, except in emergencies admitting of no delay. For mail bags so withdrawn from deposit, his certificate in the former case, and receipts in the latter, must be transmitted to the Department, where, when received, they will be entered to his credit.

Sec. 878. Damaged Mail Bags at Mail-Bag Depositories.—Postmasters whose post-offices are mail bag depositories are not authorized to have repairs done to mail bags collected in their post-offices, but are required to send all damaged mail bags to the established repair shops, under such special instructions as may from time to time be received from the Second Assistant Postmaster-General.

Sec. 879. Surplus Mail Bags not to Accumulate.—Surplus mail bags must not be allowed to accumulate and fall into disuse in any post-office not a depository for mail bags. All such, whether in good condition or not, if not returned whence received, must be forwarded to the nearest mail-bag depository.

MAIL LOCKS AND KEYS.

Sec. 880. Mail Locks and Keys, by whom Furnished.—Mail locks and keys are furnished from the office of the Second Assistant Postmaster-

General (Division of Mail Equipments). Applications for mail locks or keys must always assign the reasons therefor.

Sec. 881. Care of Mail Keys—Penalty for Loss.—The careful use of mail locks and the safe keeping of mail keys are essential to the integrity of the postal service. The mail key must never be exposed to public observation nor placed where it may be lost or stolen, nor suffered to pass, even for a moment, into the hands of any person not authorized by the Department to use mail keys. The safe keeping of the mail-key is one of the expressed conditions of the official bond of every postmaster. The loss of a mail key, as it may afford peculiar facilities for stealing from the mails, is an act of carelessness likely to be more pernicious to the service than almost any other a postmaster or agent of the Department can commit. It is therefore deemed sufficient cause for removing the postmaster or agent so offending, enforcing the penalty of the official bond of the former, and even in certain cases for discontinuing the post-office.

To afford adequate means for the safe keeping of mail keys, and leave no possible excuse for their being lost or even mislaid by postmasters, safety-chains have been provided by the Department to be used in the following manner :

1. Every mail key must be kept attached to the safety-chain, from which it must never be removed until the key, from defect, damage, or other cause, is to be returned to the Department.

2. Every post-office must use a table upon which the mails received are to be emptied, and to which all locked mail bags are to be brought for opening.

3. One end of the safety-chain must always be kept screwed fast to the inside of the drawer of such table, and both the chain and the key are to be kept therein when not in actual use.

4. Such table (with a drawer) must be provided in every post-office of the third or fourth class, without expense to the *Department*, and in every case of refusal or failure on the part of a postmaster to so provide and use such table the post-office *will be discontinued*, rather than suffer the mail key to be exposed to risk of being lost or mislaid by a disregard of this requisite precaution for its safety.

Sec. 882. Mail Keys to have a Specific Number.—The mail keys bear, each of them, a different number stamped upon them. Every postmaster or employé to whom such keys are intrusted will be charged therewith and held to a strict account therefor. On the receipt of any such mail key by a postmaster, he should make a record, to be kept in his post-office, of the date of its receipt and of the number stamped upon it. Whenever such or any other mail key shall afterwards be referred

to in any communication to the Department, its number must invariably be specified. Every casualty whatever concerning a mail key must be promptly reported to the Second Assistant Postmaster-General (Mail Equipment Division).

Sec. 883. Exchange of Mail Keys by Railway Mail Employés.—In all cases of an exchange of routes between employés of the Railway Mail Service, there must also be an exchange of mail keys between them, so that every mail key shall always be retained in the particular office for which it was originally furnished by the Department, and never be taken away for use elsewhere.

Sec. 884. Receipts to be Always Taken for Mail Keys.—No mail key shall be transferred or exchanged except to a successor in office, nor be furnished nor loaned without special instructions from the Department. No such key, not obtained directly from the Department or from a predecessor in office, shall be kept or detained, but promptly returned to the Department, with a full report of facts in relation to it. If a mail key be received from a discontinued post-office, or elsewhere, it must be sent without delay to the Department by the postmaster receiving it, stating when and from whom it was received by him. Whenever a retiring postmaster turns over a mail key, he must obtain and transmit to the Second Assistant Postmaster-General a receipt for the same, specifying the number stamped upon it, in order that he may receive due credit on the books of the Department, and he and his sureties be released from all further responsibility therefor.

Sec. 885. Repairing Mail Locks and Keys Forbidden.—No attempt shall be made to have a mail key or a mail lock repaired; nor to pry into the internal mechanism of any mail lock. No damaged or defective mail key shall be kept in post-offices, but each one, as soon as it becomes damaged or defective, must be promptly returned to the Department with an explanatory letter. With every application for a new mail key in lieu of one broken, the broken parts must be inclosed, and the number of the broken key stated.

All mail keys returned to the Department should be inclosed in a sealed letter or package addressed to the Second Assistant Postmaster-General (Mail Equipment Division), and be duly registered in every case.

No oil, grease, nor other foreign matter must be introduced into any mail locks, and under no circumstances will the breaking of a lock be excusable.

Sec. 886. Defective Keys to be Reported to the Department.—When a mail key is perceived to be much worn and becoming defective, timely notice should be given of the fact, always stating the number of the key, so

that a new one may be furnished before the old one becomes entirely useless; the latter to be returned to the Department. Whenever extra keys are furnished they should be kept in reserve for an emergency, and be locked up in a safe place in the post-office, accessible to the postmaster and his assistant only.

If a mail key be found astray, it must be returned to the Second Assistant Postmaster-General (Mail Equipment Division), in an explanatory letter duly registered, without attempting to ascertain the loser, or to advise him of its recovery.

Sec. 887. Brass Locks not to be Sent to Iron-Lock Post-offices.—In those post-offices where the use of the brass locks and keys is allowed for through mails, it will be deemed very reprehensible if sufficient care be not always taken to prevent such locks being used, instead of iron locks, on bags dispatched to post-offices where their use is not allowed, and where, of course, there is no key to open them. If, however, a bag secured with a brass lock be received at a post-office where there is no brass key allowed, the lock should not be broken or tampered with, nor the bag be mutilated; but it should either be returned unopened to the post-office whence it came, or be sent to some nearer post-office using the brass key, with the request to substitute an iron lock for the brass one. But in either case, the postmaster at whose post-office the irregularity occurred must be advised of it, and, if there be a repetition of it, be reported to the Second Assistant Postmaster-General (Mail Equipment Division).

Sec. 888. Proper Course when Defective Key will not Open Mail Lock.—If the only mail key in a post-office be broken or so defective as not to open all the locks, the bags should be passed, unopened, to the nearest post-office, with a request to the postmaster to take out the ordinary letters, &c., for the post-office where the lock could not be opened, and send them back by the mail carrier outside the bag, in a sealed package, until another key be received from the Department.

The registered matter for the office passed should not be so returned, but should be withheld until the first return mail, and then be sent back in a locked bag. A note stating the facts should be made upon the transit registry record of the postmaster who makes the return.

Sec. 889. Proper Course when Defective Lock cannot be Opened.—When a postmaster cannot open a lock securing a bag, because of a defect in the lock, and not of his key, he will then cut that staple of the bag to which the lock is attached, provided he has another bag and lock to substitute for them; but if he has no other bag and lock, he will pass the bag, unopened, to the next post-office, as in the case indicated in the preceding section; and he will make a note upon his transit registry

record stating that the bag was passed unopened to the next office, the reason why, and the date.

(See regulations relating to registered matter in transit.)

Sec. 890. Economy in the Use of Mail Locks.—The mail locks must be used with care and economy. Care must also be taken to equalize the exchange of locked pouches, and thereby secure to every post-office a return of the same number of locks sent from it. If at any post-office (not a depository) locks from unknown sources should accumulate in excess of its current wants, all such surplus locks must be forwarded with an explanatory letter to the Department.

Sec. 891. Unlawful Use of Mail Locks to be Reported to the Department.—It is the duty of postmasters and agents of the Department to reclaim and transmit to the office of the Second Assistant Postmaster-General (Division of Mail Equipment), all mail locks and keys found to be in improper hands, or applied to any other than their lawful use, and to see that the law (sections 1457, 1458) is enforced in every case of its violation known to them, by exerting due diligence always in collecting and reporting to the Department the facts and proofs to sustain a prosecution against the offender.

Sec. 892. How to Address Communications on Mail Equipments.—All communications and mail locks and keys required by this chapter to be sent to the Department must be addressed to the Second Assistant Postmaster-General (Mail Equipment Division). Such communications must invariably give the name of the post-office, county, and State from which they are sent, and must not embrace any other subject.

MAIL CATCHERS.

Sec. 893. How Provided and Kept in Repair.—Mail catchers, attached to postal cars for taking up mails without stopping the trains, are furnished on application to the office of the Second Assistant Postmaster-General (Mail Equipment Division). Such applications are to be made by division superintendents (through the General Superintendent) of Railway Mail Service, always explaining the reasons therefor; and if any mail catchers applied for are to be introduced or used for the first time on a railway post-office line, that fact should invariably be stated and the title of such railway post-office be specifically mentioned in the application.

The mail-bag cranes used on the railroads in connection with the mail catchers are constructed, erected, and should always be kept in good order, by the railroad companies, at their own expense.