

US Postal Laws & Regulations

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Year: 1940

Postmaster General duties

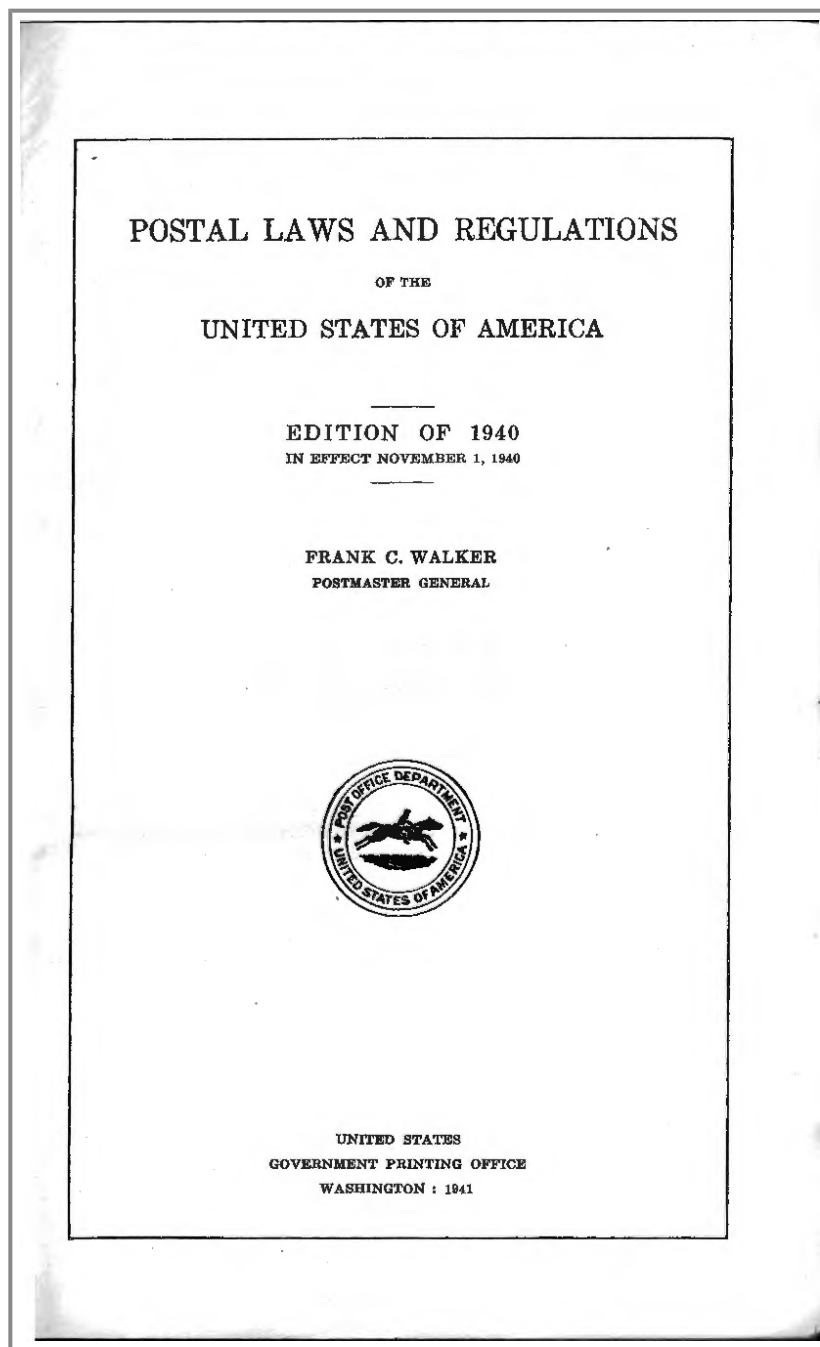


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TITLE ONE

POST OFFICE DEPARTMENT AND POSTAL SERVICE

CHAPTER 1

ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

ESTABLISHMENT: OFFICERS

1. The Congress shall have power * * * to establish Post Offices and post Roads; * * * and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, * * *.

See sec. 401 as to establishment of post offices; sec. 1701 as to established post roads.

Post office and post roads. Constitution, art. 1, § 8.

2. There shall be at the seat of government an executive department to be known as the "Post Office Department," and a Postmaster General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.

Post office Department. 5 U. S. C. 361. The Postmaster General.

3. Authority to appoint the following-named officers may be found in the laws cited:

—term of office.

Authority to appoint officers.

First Assistant Postmaster General, 5 U. S. C. 363.

Second Assistant Postmaster General, 5 U. S. C. 363.

Third Assistant Postmaster General, 5 U. S. C. 363.

Fourth Assistant Postmaster General, 5 U. S. C. 363.

Solicitor for the Post Office Department, 5 U. S. C. 364.

Chief Inspector, act of July 5, 1884 (23 Stat. 156), and subsequent appropriation acts.

Purchasing Agent for the Post Office Department, 5 U. S. C. 366.

Comptroller, Bureau of Accounts, Post Office Department, 31 U. S. C. 45.

Director of Parcel Post, 5 U. S. C. 364a.

Other officers and employees, annual appropriation acts.

See sec. 2001 as to officers of the Railway Mail Service; sec. 25 as to post-office inspectors.

Department officers as post-office inspectors.
39 U. S. C. 697.

Travel expenses.

Acting officers.—of department.
5 U. S. C. 4

—of bureaus.
5 U. S. C. 5.

—named by President.
5 U. S. C. 6.

Temporary appointments.
5 U. S. C. 7.

—in Post Office Department.
Executive order Jan. 6, 1893.

4. The Postmaster General may employ, when the service requires it, the Assistant Postmasters General and superintendents in his department as post-office inspectors; and he may allow them therefor not exceeding the amount expended by them as necessary traveling expenses while so employed.

See sec. 60 as to limitation on allowance for travel expenses.

5. In case of the death, resignation, absence, or sickness of the head of any department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section 6 of this title (see par. 3), perform the duties of such head until a successor is appointed, or such absence or sickness shall cease.

2. In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

3. In any of the cases mentioned in sections 4 and 5 of this title * * * the President may, in his discretion, authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

4. A vacancy occasioned by death or resignation must not be temporarily filled under the provisions of sections 4, 5, and 6 of this title for a longer period than thirty days.

5. Pursuant to the authority conferred by section 6 of Title 5, U. S. Code: The Second Assistant Postmaster General is authorized and directed to perform the duties of the Postmaster General whenever and so long as he and the First Assistant Postmaster General shall both be absent or sick; and the Third Assistant Postmaster General is authorized and directed to perform the duties of Postmaster General whenever and so long as he and the First and Second Assistant Postmasters General shall be absent or sick. And the Fourth Assistant Postmaster General is authorized and directed to perform the duties of Postmaster General

whenever and so long as he and the First, Second, and Third Assistant Postmasters General shall all be absent or sick.

DUTIES OF THE POSTMASTER GENERAL

6. It shall be the duty of the Postmaster General:

First. To establish and discontinue post offices.

Second. To instruct all persons in the Postal Service with reference to their duties.

Third. To decide on the forms of all official papers, except as otherwise provided by law.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Sixth. To control, according to law, and subject to the settlement of the General Accounting Office, all expenses incident to the service of the department.

Seventh. To superintend the disposal of the moneys of the department.

Eighth. To * * * issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the department and execute all laws relative to the Postal Service.

NOTE.—As to certain duties of the Postmaster General not directly connected with the postal service, see 40 U. S. C. 267 (approval of plans for public buildings); 20 U. S. C. 41, 45 (as member of Smithsonian Institution).

For duties of Postmaster General as member of board of trustees, Postal Savings System, 39 U. S. C. 751.

General duties
of P. M. G.
5 U. S. C. 369.

Note.
Miscellaneous
duties not con-
nected with
Postal Service.

Official seal.
5 U. S. C. 362.
—custody.
—use.

7. The Postmaster General shall keep the seal adopted for his department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his department.

REGULATIONS

8. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Regulations.
5 U. S. C. 22.
—Postmaster
General may
prescribe.

2. All regulations or amendments thereof shall be promulgated by the Postmaster General and duly entered of record in the journal.

—promulga-
tion.

3. The business of the department is distributed among its several officers as hereinafter provided.

Distribution of
business of de-
partment.

ORGANIZATION OF THE DEPARTMENT

POSTMASTER GENERAL

Office of Postmaster General.—matters assigned to. Superintendence of department.
—of Postal Service.

Appointments.

Regulations, orders.

Seal.

Special duties.

Officers attached to office of Postmaster General.

Executive Assistant to the Postmaster General.

Special Assistant to the Postmaster General.

Chief clerk and Director of Personnel of Post Office Department.—duties. Supervision of clerical force.

Supervision of expenditures.

Custody of journals and records.

Preparation of Official Postal Guide. Miscellaneous business correspondence.

9. The Postmaster General assigns to his office: The superintendence and government of the department, and the appointment of the officers, clerks, and employees; the general direction of the Postal Service in all its branches, the management of its finances, and disbursement of appropriations; the appointment of postmasters of the fourth class; the submission of cases to the President relating to appointments to be made by him; the determination of appeals from the action of the several Assistant Postmasters General; the promulgation of rules and regulations; the consideration of claims for damage done to persons or property by or through the operation of the Post Office Department and claims of postmasters for credit or reimbursement for losses by fire, burglary, or other unavoidable casualty; the issuance of all orders requiring the formal approval of the Postmaster General; the custody of the official seal; and the performance of all special duties enjoined by law upon the Postmaster General. (See sec. 6.)

2. The Executive Assistant to the Postmaster General, the Special Assistant to the Postmaster General, the Chief Clerk and Director of Personnel of the Post Office Department, the Personnel Officer, and Disbursing Clerk, the Solicitor, the Purchasing Agent, and the Comptroller of the Post Office Department shall be attached to the office of the Postmaster General. (See sec. 6.)

3. The Executive Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

4. The Special Assistant to the Postmaster General shall perform such duties as may be assigned to him from time to time by the Postmaster General.

5. (a) The Chief Clerk and Director of Personnel of the Post Office Department is charged with the general superintendence and assignment to duty of the clerical and subclerical forces of the department; the proper administration and execution of the provisions of the Civil Service, the Reclassification, the Retirement, and the Employees' Compensation Acts with respect to departmental employees; of the advertising of the department; of requisitions on the Treasury and the expenditures of the appropriations for the departmental service; with the custody of the journals and order books; the consideration of requisitions on the Public Printer for printing and binding required by the department and service; the furnishing, receipt, and inspection of stationery, blanks, and supplies for the department; the compilation and distribution of the Official Postal Guide and other postal publications; miscellaneous correspondence and files of the Postmaster General's office; the care and maintenance of all public property located in the departmental building; together with such addi-

tional duties as may be assigned to him by the Postmaster General. The Chief Clerk of the Post Office Department is the surplus-property officer for the department and entire postal service.

Supervision of
public prop-
erty.

(b) The Personnel Officer, under the direction of the Chief Clerk and Director of Personnel shall keep the official roster of all officers, clerks, and employees of the department, those employed at the stamped-envelope agency, and all papers, applications, recommendations, and files, relating thereto; and the record of absences of employees of the department; certify the pay rolls; and prepare all orders and correspondence relating to appointments, promotions, removals, and acceptance of resignations.

Personnel
officer.
—duties.

6. The Disbursing Clerk is charged with the payment of all salaries to all officers, clerks, and employees of the department; the making of all payments for rent of departmental buildings, contingent expenses, the publication of the Official Postal Guide, printing and binding, postage on the department's foreign correspondence, and such other expenditures as may be authorized; the sale of post route and rural delivery maps, and the keeping of accounts of expenditures. The Disbursing Clerk shall give bond in the sum of \$25,000 for the safekeeping, proper disbursement of, and accounting for all public moneys coming into his possession, and for the faithful discharge of the duties of his office according to law.

Disbursing-
Clerk.
—duties.

Bond.

7. (a) The Solicitor is charged with the duty of giving opinions to the Postmaster General and the heads of the several offices of the department upon questions of law arising upon the construction of the postal laws and regulations, or otherwise, in the course of business in the Postal Service; with the duty of assisting in the defense of cases against the United States arising out of the transportation of the mails, and in other matters affecting the postal revenues. These include suits in the Federal courts involving claims of the railroads and other contractors for the carriage of the mails; the representation of the Postmaster General and the preparation and presentation of the department's cases in proceedings before the Interstate Commerce Commission for the determination by the commission of the basis for adjustment of railroad mail pay and the fixing of fair and reasonable rates for the transportation of the mails and for services in connection therewith by railroads and urban and interurban electric railway common carriers, and in other matters of petition by the Postmaster General to the commission; the representation of the Postmaster General in hearings before the department on orders changing the mode of transporting periodical mail matter in connection with reviews of such orders by the Court of Appeals of the District of Columbia; with the consideration and submission (with advice) to the Postmaster General of claims for damage done to persons or property by or through the operation of the Post Office Department, and of all claims of postmasters for losses by fire, burglary, or other unavoidable casualty, and of all certifications by the Comptroller General of cases of proposed compromise of liabilities to the United States, and of the remission

*Solicitor for
the Post Office
Department.*
—duties.
Opinions on
questions of
law.

Claims.

Compromises, remissions.	of fines, penalties, and forfeitures under the statutes; with the giving of advice, when desired, in the preparation of correspondence with the Department of Justice and other departments, including the Court of Claims, involving questions of law or relating to prosecutions or suits affecting or arising out of the Postal Service, and with assisting when desired in the prosecution or defense of such cases, and the maintenance of suitable records of opinions rendered affecting the Post Office Department and the Postal Service; and with the consideration of applications for pardon for crimes committed against the postal laws which may be referred to the department; with the preparation and submission (with advice) to the Postmaster General of all appeals to him from the heads of the offices of the department depending upon the questions of law; with the determining of questions as to the delivery of mail the ownership of which is in dispute; with the consideration of cases relating to lotteries and the misuse of the mails in furtherance of schemes to defraud the public; with the consideration of all questions relating to the mailability of alleged indecent, obscene, scurrilous, or defamatory matter; with determining the legal acceptability of securities offered by banks to secure postal savings deposits; with the examining and, when necessary, drafting of all contracts of the department; with the handling of cases arising from the application of the private express statutes (Government monopoly of carrying letters); with the legal work incident to the enforcement of those provisions of the espionage law which concern the Post Office Department; with the consideration of alleged extortion letters; and with such other like duties as may from time to time be required by the Postmaster General.
Pardons.	
Appeals to Postmaster General.	
Frauds, lotteries.	
Contracts.	
Assistant attorneys. —duties.	(b) The Assistant to the Solicitor, the Assistant Solicitor and the attorneys for the Post Office Department are assigned to the office of the Solicitor. The Assistant to the Solicitor shall have general supervision of the work of the office under the Solicitor and in his absence shall discharge the duties regularly devolving upon that officer; and in the absence of both, the Assistant Solicitor and the attorneys in the order of their standing shall act in their stead.
Purchasing Agent for the Post Office Department. —duties.	8. The Purchasing Agent for the Post Office Department is assigned, under the direction and control of the Postmaster General, the supervision of the purchase of all supplies; and all purchases of supplies of every nature and character, whether under contract or not, either for the Post Office Department proper or for any branch of the Postal Service, shall be made by the Purchasing Agent: <i>Provided, however,</i> That the bureau officer controlling an appropriation may authorize postmasters and other postal officials to purchase supplies chargeable to that appropriation, subject to the approval of the Purchasing Agent in each instance.
Purchase of supplies by postmasters.	
Comptroller, Bureau of Accounts. —duties.	9. To the Comptroller, Bureau of Accounts, are assigned the administrative examination of all postal and money-order accounts of postmasters and foreign administrations; the instructing

of postmasters relative to preparation and rendition of their accounts; the keeping of administrative appropriation and cost accounts; and the compilation of statistical reports, monthly operating statements, and other financial data for the information of the Postmaster General and other officers of the Post Office Department in connection with the administration of the service; also the keeping of the individual accounts for the statutory deductions from basic salaries of all employees of the department and the Postal Service for credit to the "civil-service retirement and disability fund," and the Comptroller is designated as budget officer of the Post Office Department to prepare the departmental estimates and such supplemental and deficiency estimates as may be required. (See secs. 41, 205, and 255.)

FIRST ASSISTANT POSTMASTER GENERAL

10. The First Assistant Postmaster General is charged with the duty of handling for the Postmaster General all matters relating to the selection and nomination of postmasters at post offices of the first, second, and third classes, and the appointment of postmasters at offices of the fourth class; the bonding and commissioning of postmasters; the general management of post offices and the instruction of postmasters, except as otherwise provided; the establishment, discontinuance and changes of names of post offices; the changes of sites of offices of the fourth class; the authorization of allowances for clerk and city and village carrier hire, and other expenses connected with post offices; and the conduct of the city delivery, village delivery, and special delivery services; and the treatment of all unmailable and undeliverable mail matter.

**Office of the
First Assistant
Postmaster
General.**
—duties.

The divisions of this bureau shall perform duties as follows:

2. The Division of Post Office Service, under the supervision of the superintendent, is charged with the annual adjustment of salaries of postmasters at presidential offices; the organization and management of post offices of the first and second classes; the establishment of contract stations; the appointment, disciplining, and fixing of salaries of assistant postmasters, supervisory officers, clerks, special clerks, watchmen, messengers, laborers, printers, mechanics, and skilled laborers, and of city and village letter carriers; the establishment, maintenance, supervision, and extension of city and village delivery and collection service; allowances for clerk hire at first-, second-, and third-class offices, for mail separations and "unusual conditions" at fourth-class offices, and for miscellaneous service items at first- and second-class offices, such as telephone and water rentals, laundry, towel service, and all matters concerning the special-delivery service, and the hours of business at presidential offices.

**Division of
Post Office
Service.**
Superintendent.
—duties.
Management of
post offices.
Appointment
and the fixing
of salaries of
post-office
employees.
Maintenance of
city and village
delivery.

3. The Division of Postmasters, under the supervision of the superintendent, is charged with the preparation of cases for the establishment, change of name, and discontinuance of post offices; the keeping of a record of the appointment of postmasters; the obtaining, recording, and filing of bonds and oaths of office and

**Division of
Postmasters.**
Superintendent.
—duties.
Appointment
of postmasters.

TITLE THREE

POST OFFICES

CHAPTER 1

ESTABLISHMENT AND DISCONTINUANCE OF POST OFFICES AND APPOINTMENT OF POSTMASTERS

ESTABLISHMENT OF POST OFFICES

401. The Postmaster General shall establish post offices at all such places on post roads established by law as he may deem expedient, and he shall promptly certify such establishment to the General Accounting Office.

Post offices.
39 U. S. C. 1.
Postmaster
General to
establish.

2. Whoever, without authority from the Postmaster General, shall set up or profess to keep any office or place of business bearing the sign, name, or title of post office, shall be fined not more than five hundred dollars.

Conducting
post office
without
authority.
Penalty.
18 U. S. C. 302.

See sec. 1 as to authority to establish post offices and post roads.

402. The Postmaster General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices (stations or substations) for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

Branch post
offices.
39 U. S. C. 158.

2. No station, substation, or branch post office shall be established beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located, except in cases of villages, towns, or cities of fifteen hundred or more inhabitants not distant more than five miles as near as may be from the outer boundary or limits of such city or town in which the principal office is located.

—limitations
upon establish-
ment.
39 U. S. C. 160.

—contract stations.
39 U. S. C. 161.

39 U. S. C. 159.

Branches and stations.

—branch offices defined.

—shall be listed alphabetically in Postal Guide.
—designation.

—“classified.”

—“contract.”

—window service at.

—exchange of mails at.

3. The Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years.

4. The Postmaster General shall establish in the islands of Hawaii, in Puerto Rico, and the Virgin Islands under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan, and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public: *Provided, however,* That such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned.

403. Postal stations for the receipt and dispatch of mails that are located outside of the corporate limits of the city or town in which the principal office is located to which they are attached shall be known as branch post offices and designated by local names only, and the name of every such branch post office shall be separately entered in its alphabetical order in the list of post offices in the Official Postal Guide.

2. Stations located within the corporate limits of the municipality in which the post office to which they are attached is situated, shall be designated by numbers, letters, or local names. Numbered stations may be located outside the corporate limits.

3. Stations and branch post offices shall be divided into the following classes:

(a) “Classified,” those in charge of classified employees and occupying quarters provided by the Government.

(b) “Contract,” those usually located in drug stores or other places of business and operated under contract by persons not in the classified service who are required to furnish quarters and equipment, heat, light, and the necessary clerical assistance. Where the needs of the service require, contract stations may be established in Government buildings provided the required space and equipment is furnished by the proper Federal authority, and the contractor receives no salary, pay, or emolument from any department or office of the Government and provided that the rate of compensation will take into consideration the fact that the contractor is not required to furnish space or equipment.

4. All stations and branch post offices shall transact money-order and registry business and shall sell postage supplies except where the purpose of the establishment of the station or branch is such as not to require these facilities, and when specially designated, shall transact postal-savings business. Stations and branch post offices are “independent” when designated as such for the

receipt and dispatch of registered mail direct, without passing through the office to which they are attached.

404. Names of post offices shall be changed only by order of the Postmaster General.

405. The Postmaster General may discontinue any post office where the safety and security of the Postal Service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the General Accounting Office.

2. No post office established at any county seat shall be abolished or discontinued by reason of any consolidation of post offices made by the Postmaster General, * * *. This provision shall not apply to the city of Cambridge, Massachusetts, or to Towson, Maryland, or to Clayton, Saint Louis County, Missouri.

406. Post offices at summer resorts and winter resorts shall be continued as offices, although no mail is received or dispatched during certain seasons.

2. The postmaster at a summer-resort or winter-resort post office, when closing the office for the season, shall return all unsold postage-stamp stock to his central-accounting postmaster, with a postal account in which he shall account for the difference between the amount of postage-stamp stock returned and the amount of his fixed credit. Fixed credits for stamped paper other than postage-stamp stock shall be accounted for by the return of the stamps or the cash derived from their sale. Fifteen days before the proposed reopening of a summer-resort or winter-resort post office the postmaster shall notify his central-accounting postmaster, who shall furnish him with stamp stock on fixed credit. The post-office equipment and records at a summer-resort or winter-resort post office may be retained by the postmaster provided he remains in the locality during the closed season; otherwise they should be turned over for safe keeping to the nearest post office.

3. Thirty days prior to the close of each season the postmaster at a winter-resort or summer-resort post office shall notify the First Assistant Postmaster General, Division of Postmasters, of the date on which the office is to be closed for the season so necessary changes in mail service may be made, and also furnish him the postmaster's post office address for the remainder of the year.

4. Thirty days prior to the proposed reopening of a winter-resort or summer-resort post office the postmaster shall notify the First Assistant Postmaster General, Division of Postmasters, so that arrangements may be made for supplying the office with mail.

—"independent."

Change of name of post office.

Discontinuance of post offices.
39 U. S. C. 2.
—to be certified to General Accounting Office.

—at county seats forbidden for purposes of consolidation.
39 U. S. C. 3.

Summer and winter resort post offices.

—to be continued during year.
—property at, how cared for.

—postmaster to report time of closing.

—and time of opening.

APPOINTMENT AND QUALIFICATION OF POSTMASTERS

Appointment and removal of postmasters.
39 U. S. C. 31.
—of first, second, and third classes.

—of fourth class.

39 U. S. C. 31a,
Supp. V.

Note.

39 U. S. C. 31b,
Supp. V.

Vacancies in post office to be filled promptly.
39 U. S. C. 38.

General Accounting Office to be advised of change.

Age limits.

407. (a) Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate, * * * and postmasters of the fourth class shall be appointed and may be removed by the Postmaster General, by whom all appointments and removals shall be notified to the General Accounting Office.

(b) Postmasters of the first, second, and third classes shall hereafter be appointed in the classified service without term by the President by and with the advice and consent of the Senate.

NOTE.—Postmasters now serving may continue to serve until the end of their terms, but they shall not acquire a classified civil-service status at the expiration of such terms of office except as provided in paragraph 1 (c) of this section.

(c) Appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, noncompetitively, of the incumbent postmaster, or by promotion from within the Postal Service in accordance with the provisions of the Civil Service Act and Rules, or by competitive examination, in accordance with the provisions of the Civil Service Act and Rules. No person shall be eligible for appointment under this section unless such person has actually resided within the delivery of the office to which he is appointed, or within the city or town where the same is situated for 1 year next preceding the date of such appointment, if the appointment is made without competitive examination; or for 1 year preceding the date fixed for the close of receipt of applications for examination, if the appointment is made after competitive examination.

2. Whenever the office of any postmaster becomes vacant, the Postmaster General or the President shall supply such vacancy without delay, and the Postmaster General shall promptly notify the General Accounting Office of the change; * * *.

3. Candidates for the position of postmaster at Presidential post offices, other than those in the classified service, must not have passed their 63rd birthday and must meet the following minimum age requirements on the closing date for receipt of applications by the Civil Service Commission:

Third-class offices in grades ranging from \$1,100 to \$2,300 per annum, 21 years.

Second-class offices in grades ranging from \$2,400 to \$3,000 per annum, 23 years.

First-class offices in grades ranging from \$3,200 to \$4,000 per annum, 25 years; \$4,200 and above, 30 years.

Persons granted preference because of military or naval service and classified employees of the postal service are released from age limitations, except that such persons who have passed their seventieth birthday will not be eligible for examination.

4. All positions of postmaster at post offices of the fourth class (except those in Alaska, Guam, Hawaii, Puerto Rico, Samoa, and the Virgin Islands), have been by Executive order placed in the competitive classified service and made subject to the Civil Service Act and rules.

Appointments.
—under civil
service law.

5. Appointments by the Postmaster General to offices having an annual compensation of \$500 or more shall be made in the same manner as provided by the Civil Service Act and rules for other positions in the competitive classified service, except as otherwise provided.

6. Appointments by the Postmaster General at offices having an annual compensation of less than \$500 shall be made in the following manner: When a vacancy has occurred or is about to occur at any such office, a post-office inspector will visit the locality and report upon the suitability of applicants for the appointment in the order of their fitness, such report to be based solely upon the qualifications and suitability of the applicants and their ability to provide proper facilities for transacting the business of the office.

—upon inspec-
tor's recom-
mendation.

7. A postmaster of the fourth class having an annual compensation of less than \$500 shall not be eligible for transfer to any other position in the competitive classified service. Where the annual compensation of the office has amounted to \$500 or more at any time during his incumbency, he may, in accordance with law and the civil service rules, after serving 1 year as postmaster and upon passing an appropriate noncompetitive examination, be transferred to a position of rural carrier at the office at which he is serving. After 3 years' service and upon passing an appropriate noncompetitive examination, he may be transferred to a position of rural carrier at any other post office, or to any other position in the competitive classified service for which he can qualify in accordance with the Civil Service Act and rules. When the annual compensation of an office is increased to \$500 or more the incumbent of such office shall be given all the rights and privileges of persons appointed to offices with annual compensation of \$500 or more.

—transfers not
permissible.

—exception.

8. No person shall be eligible for appointment as fourth-class postmaster if he has reached his sixty-fifth birthday on the date of close of receipt of applications. Where the applicant is a veteran, widow of a veteran, or the wife of a disabled veteran, the age for entrance to the examination is waived, except that

—age limit.

—classified status, when given.

—probationary period.

Ineligible for postmastership.
—alien.
—exceptions.

—minor.

—contractor.

—holding claim against Government.
—husband or wife of rural carrier.

Residence.
39 U. S. C. 32.

—State boundaries.

Bonds of postmasters.
39 U. S. C. 34.

no person will be admitted who has reached the age of retirement.

9. Where the Civil Service Commission is unable to establish a register of eligibles for fourth-class postmaster and authorizes an appointment by the Postmaster General on the report of a post office inspector, the same regulations shall apply as govern appointments where the compensation is less than \$500.

10. All postmasters in the classified civil service shall serve a probationary period of one year.

408. No person shall be appointed postmaster or acting postmaster of a post office in the continental United States unless he is a citizen of the United States or a person in the service of the United States on March 28, 1938, who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

2. No person under 21 years of age shall be appointed postmaster or acting postmaster.

3. No person concerned in a contract for carrying the mails, either as contractor, subcontractor, or surety, nor any member of his immediate family shall be appointed postmaster.

See sec. 65 and sec. 1772 as to postmasters interested in mail contracts.

4. No person engaged in the prosecution of claims against the Government shall be appointed postmaster.

5. The husband or wife of a rural carrier shall not be appointed postmaster, nor shall the husband or wife of a postmaster be appointed rural carrier.

409. Every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated.

2. The delivery district of a post office is not affected by State boundaries, and a postmaster may reside outside the State where his office is located if he is within the delivery thereof.

BONDS AND COMMISSIONS OF POSTMASTERS

410. Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the department. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the General Accounting Office. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole.

See sec. 67 as to approval of postmasters' bonds and sec. 71 as to surety companies acceptable on bonds.

411. * * * and every postmaster and his sureties shall be responsible under their bond for the safekeeping of the public property of the post office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster General; and the Postmaster General may, when the exigencies of the service require, place such office in charge of a special agent (post-office inspector) until the vacancy can be regularly filled; and when such special agent shall have taken charge of such post office, the liability of the sureties of the postmaster shall cease. (See sec. 69.)

Liability of sureties.
39 U. S. C. 38.

—to continue till vacancy is filled, etc.

—may be terminated by notice.

Inspector may be put in charge.

412. An official bond and oath of office shall be executed by every person appointed postmaster or acting postmaster on a blank furnished by the First Assistant Postmaster General. The official bond shall be signed by the appointee as principal and one or more approved bonding companies or two or more individual sureties and the signatures of the principal and sureties attested by witnesses. An authorized officer shall administer the oath of justification to the individual sureties as to their financial responsibility.

Execution of bonds.

—oath of justification.

2. After execution the official bond and oath of office shall be transmitted to the First Assistant Postmaster General, Division of Postmasters, for examination and, if satisfactory, for approval, acceptance, and filing.

—examination and filing.

See sec. 68 as to release of sureties and renewal of bonds.

3. Every postmaster shall keep a record in his office of the name of the surety on his bond and the amount of the penalty of the bond. This record shall be kept in the current postmaster's account book.

Record of bond in post office.

413. Postmasters shall furnish new bonds whenever deemed necessary by the First Assistant Postmaster General; also upon the death, insolvency, or other disability of one or more of the personal sureties on the postmaster's bond, or whenever any postmaster under bond with personal sureties shall have remained in office for four years from the effective date of his last official bond. (See sec. 69.) Postmasters shall promptly report to the department the death, insolvency, or other disability of a personal surety, and failure to do so will be deemed sufficient cause for removal.

New bonds by postmasters, when required.

Commissions of officers under direction of the Postmaster General.
5 U. S. C. 11.

414. The commissions of all officers under the direction and control of * * * the Postmaster General * * * shall be made out and recorded in the * * * (Post Office Department) under which they are to serve, and the department seal affixed thereto, any laws to the contrary notwithstanding: * * *.

When commissions of postmasters shall be issued and duties assumed.

415. A commission shall be issued to every person appointed postmaster upon the filing and acceptance of his bond and oath of office. The duties of the office shall not be assumed by the person appointed until after he has received his commission or notice that the commission has been issued.

Former postmaster to continue until successor takes charge.

2. After a new postmaster has been commissioned the old postmaster shall continue to be recognized as such, and his requisitions shall be honored until his successor has actually taken possession of the office.

Postmaster shall transfer post office and records.

3. The postmaster shall transfer the post office and all records, supplies, and other Government property in his custody to his successor upon presentation of his commission, or notice that the commission has been issued, or at such time thereafter as may suit the convenience of the new postmaster. (See secs. 129, 130, 271, 279, and 1531.)

ACTING POSTMASTERS

Procedure in case of vacancy.
39 U. S. C. 39.

416. Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay.

General Accounting Office to be advised of change. Liability of sureties. —to continue till vacancy is filled, etc.

39 U. S. C. 39a. Supp. V.

2. Appointments of acting postmasters in all classes of post offices shall be made by the Postmaster General: *Provided*, That acting postmasters shall serve not to exceed 6 months from the date of their designation, except that the Postmaster General may extend the period

of service of any acting postmaster beyond such 6 months' period with the permission of the Civil Service Commission.

3. A person who, upon the occurrence of a vacancy and pending the appointment of a postmaster or the designation of an acting postmaster, assumes and properly performs the duties of postmaster at any third- or fourth-class post office shall be allowed compensation as postmaster for the period of such service: *Provided*, That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for compensation for service heretofore rendered, but subsequent to June 30, 1930, is hereby authorized and directed to allow compensation as postmaster for service rendered under the circumstances and conditions hereinbefore prescribed.

39 U. S. C. 39.
Supp. V.

4. When a postmaster voluntarily abandons his office, such action may be regarded as sufficient cause for removal.

Abandonment
of office.

417. When, upon the death, resignation, or removal of a postmaster, an acting postmaster is designated by the Postmaster General, and takes charge of the post office, he shall sign all papers, returns, accounts, requisitions, money orders, etc., as "acting postmaster."

Acting
postmaster.

—signature.

2. The accounts, up to and including the day of the death or retirement of the postmaster, shall, however, unless they have been rendered by the assistant postmaster, be signed by the acting postmaster thus: "A. B., acting postmaster, ———, postmaster deceased" (or removed, resigned, as the case may be).

—accounts.

3. An acting postmaster shall not claim compensation as postmaster nor shall his requisitions be honored until his bond is approved by the First Assistant Postmaster General.

—compensation
and requisitions.

4. The qualifications for appointment as acting postmaster are the same as for appointment as postmaster. (See secs. 408 and 409.)

PERFORMANCE OF DUTIES DURING ABSENCE OF POSTMASTER

418. In case of the sickness or unavoidable absence from his office of the postmaster of any money-order post office, he may, with the approval of the Postmaster General, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such postmaster; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person ap-

Performance of
duties during
absence of post-
master.
39 U. S. C. 714.

—at money-
order offices.

Liability of postmaster.

pointed to act in his place in such cases; and such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the postmaster for whom he shall act.

Assistant postmaster to manage office unless at money-order offices other clerk is designated.

419. The assistant postmaster shall in all cases manage the business of the post office during the absence of the postmaster, unless at money-order offices some other clerk is designated for this purpose, as provided in section 418.

See secs. 446 and 449 as to assistant postmasters and their duties.

Designation of clerk at money-order offices to perform duties during absence of postmaster.

2. The postmaster at every money-order post office having a money-order credit with the Treasurer of the United States shall designate the assistant postmaster, chief clerk, or some other clerk therein, subject to the approval of the Postmaster General, to perform the duties of the office during his sickness or unavoidable absence. Such designation shall be made on Form 6834, even though the assistant postmaster is the person designated, and forwarded to the Third Assistant Postmaster General, Division of Money Orders, by whom blanks of that description are furnished.

—how made.

Assistant postmaster.

—official signature.

3. When an assistant postmaster or clerk is in charge of the post office during the temporary absence or sickness of the postmaster, he shall sign all papers, returns, accounts, requisitions, etc.: "A. B., postmaster, by C. D., assistant postmaster," or "A. B., postmaster, by E. F., clerk."

Clerk designated to perform duties of office.
—to take charge during absence of postmaster.

4. Whenever at any money-order office, a clerk, who is not assistant postmaster, is authorized, with the approval of the Postmaster General, to take charge of the office during the sickness or absence of the postmaster, such clerk shall, whenever the postmaster is absent, assume the duties of the post office, and the assistant postmaster, and all clerks and employees therein, shall observe his instructions the same as those of the postmaster.

—instructions to be obeyed.

Assistant postmaster.
—official signature.

420. When the postmaster dies, resigns, retires, or is removed, the assistant postmaster, during such time as he conducts the business of the office, before the designation of an acting postmaster, shall sign all papers, etc.: "A. B., postmaster, deceased (resigned, removed, etc., as the case may be), by C. D., assistant postmaster."

Signing of papers not requiring postmaster's signature.

421. Postmasters may authorize their assistants to sign their names to such reports, letters, and papers as are not specially required to be signed by the postmaster himself. The signature should be: "A. B., postmaster, by C. D., assistant postmaster." The name of the postmaster may be either written or stamped, but the signature of the assistant shall be in ink.

Authority to sign checks.

422. A postmaster who is authorized to pay salaries or other expenses by means of checks drawn on the Treasurer of the United States, shall designate one or more of the employees of his

office to sign checks in his name when authorized and such employees shall give bond covering such duties, on a special form which may be obtained from the First Assistant Postmaster General, Division of Post Office Service. After the bond is approved, the postmaster shall certify to the Third Assistant Postmaster General, Division of Finance, in triplicate on Form 3012, that the employee is authorized to sign checks, which certificate shall bear a specimen of the employee's signature; such checks shall be signed thus: "A. B., Postmaster, by-----"

(Name of authorized employee.)

Bond to be
furnished.

Signatures.

See sec. 236 as to payment by check.

CHAPTER 2

CLASSIFICATION AND COMPENSATION OF POSTMASTERS

423. Postmasters shall be divided into four classes, as follows:

Classification of
postmasters.
39 U. S. C. 53.

The first class shall embrace all those whose annual salaries are \$3,200 or more.

—first class.

The second class shall embrace all those whose annual salaries are less than \$3,200, but not less than \$2,400.

—second class.

The third class shall embrace all those whose annual salaries are less than \$2,400, but not less than \$1,100.

—third class.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than \$1,100, exclusive of commissions on money orders issued.

—fourth class.

424. (a) The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

Salaries of post-
masters at offices
of the first, sec-
ond, and third
classes.
—how fixed.
39 U. S. C. 54.

POSTAL LAWS AND REGULATIONS

FIRST CLASS

\$40,000 but less than \$50,000	\$3,200
\$50,000 but less than \$60,000	3,300
\$60,000 but less than \$75,000	3,400
\$75,000 but less than \$90,000	3,500
\$90,000 but less than \$120,000	3,600
\$120,000 but less than \$150,000	3,700
\$150,000 but less than \$200,000	3,800
\$200,000 but less than \$250,000	3,900
\$250,000 but less than \$300,000	4,000
\$300,000 but less than \$400,000	4,200
\$400,000 but less than \$500,000	4,500
\$500,000 but less than \$600,000	5,000
\$600,000 but less than \$1,500,000	6,000
\$1,500,000 but less than \$3,000,000	7,000
\$3,000,000 but less than \$7,000,000	8,000
\$7,000,000 but less than \$10,000,000	9,000
\$10,000,000 but less than \$20,000,000	10,000
\$20,000,000 but less than \$40,000,000	11,000
\$40,000,000 and upwards	12,000

SECOND CLASS

\$8,000 but less than \$12,000	\$2,400
\$12,000 but less than \$15,000	2,500
\$15,000 but less than \$18,000	2,600
\$18,000 but less than \$22,000	2,700
\$22,000 but less than \$27,000	2,800
\$27,000 but less than \$33,000	2,900
\$33,000 but less than \$40,000	3,000

THIRD CLASS

\$1,500 but less than \$1,600	\$1,100
\$1,600 but less than \$1,700	1,200
\$1,700 but less than \$1,900	1,300
\$1,900 but less than \$2,100	1,400
\$2,100 but less than \$2,400	1,500
\$2,400 but less than \$2,700	1,600
\$2,700 but less than \$3,000	1,700
\$3,000 but less than \$3,500	1,800
\$3,500 but less than \$4,200	1,900
\$4,200 but less than \$5,000	2,000
\$5,000 but less than \$6,000	2,100
\$6,000 but less than \$7,000	2,200
\$7,000 but less than \$8,000	2,300

When the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than \$1,500, or when in any calendar year the gross postal receipts are less than \$1,400, it shall be relegated to the fourth class.

(b) Only 85 per centum of the gross postal receipts during the period the increased rate of postage * * * (July 6, 1932, to July 1, 1941) remains in force shall be counted for the purpose of determining the class of the post office or the compensation or allowances of postmasters or of postal employees of post offices of the first, second, and third classes, except that in the case of such post offices as have city or village letter-carrier service 90 per centum of the gross postal receipts shall be counted for such purpose.

How counted temporarily.
1932, June 6;
Public, No. 154,
sec. 1001.
53 Stat. 862.

(c) In fixing the salary of the postmaster in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office.

Postmaster at Washington,
D. C.
39 U. S. C. 55.

NOTE.—Postmasters at first-, second-, and third-class offices are not allowed commissions on the money-order business, but see section 1403 as to such commissions allowed to postmasters at offices of the fourth class. Money-order fees are not included as a part of the gross receipts in adjusting salaries under this law. The gross receipts on which the postmaster's salary is based are the legitimate normal receipts of the office, and any abnormal or illegal increase in the receipts, whether caused by the postmaster or persons interested, will be disallowed in the adjustment of the salary of the postmaster. (See secs. 138, 252, 528, 579, and 709.)

Note.

Money-order commissions.

See secs. 1083, 1094, and 1100 as to compensation for special-delivery business at other than city-delivery offices.

2. In determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster.

Manner of determining gross receipts.
39 U. S. C. 56.

3. When postage stamps or other stamped paper are sold in large or unusual quantities, the postmaster shall ascertain whether the purchaser intends to use such postage stamps or other stamped paper for mailing matter in his office or another office, or for mailing matter diverted from another office; and any "outside" sales shall be reported to the First Assistant Postmaster General, Division of Post Office Service, at the end of the quarter in which the sales are made. The statement of such outside sales shall be itemized by the postmaster as to dates, amounts of purchases, and business addresses of the purchasers, and shall bear the following form of certificate:

Unusual stamp sales.
—duty of postmaster to investigate.

—report of.

I hereby certify on my oath of office that the foregoing is a true and correct statement, and that to the best of my knowledge and belief it shows all the stamp supplies sold at this office for use elsewhere, or on mailings diverted from other post offices.

Upon evidence of neglect of the postmaster to ascertain and report such facts, he shall be required to refund the amount of

Refund of excess salary.

the excess salary and allowances he may have received on account of such sales.

—business reply
cards and en-
velopes.
39 U. S. C. 303.

4. * * * for the purpose of fixing the compensation and allowances at first-, second-, and third-class offices credit shall be allowed only for the postage collected in addition to the regular rate on such (business reply) cards and letters (in business reply envelopes) delivered at such offices: * * *.

See sec. 510 as to postage to be collected on delivery.

5. In determining the gross postal receipts upon which the salaries of postmasters shall be based, as provided by law, there shall be deducted from the quarterly returns furnished by the General Accounting Office the postage at the regular rate collected at first-, second-, and third-class post offices on business reply cards and letters in business reply envelopes, and the amount of such collections for the respective offices shall be furnished by the Third Assistant Postmaster General to the First Assistant Postmaster General for use in fixing the compensation and allowances at first-, second-, and third-class post offices.

Matter shipped
by freight and
mailed.

6. When matter entitled to transmission in the mails at the fourth-class rates of postage is shipped by freight or express, to be deposited in the mails at a given post office, without solicitation by the postmaster, and not primarily for the purpose of increasing his salary or allowances, such office of mailing is construed to be the office of origin, and the mail shall not be considered as diverted. Stamps sold at the post office of mailing and there used on such mail shall be included in determining the gross receipts upon which the salary of the postmaster is based. The postage used on such mailings shall not be included in the gross receipts unless purchased at the office where such mailings are deposited in the mails.

See sec. 138 as to penalty for unlawful sales.

Readjustment of
salaries of post-
masters of first,
second, and
third classes.
39 U. S. C. 61.

425. The Postmaster General shall make all orders relative to the salaries of postmasters; * * * and the General Accounting Office shall be notified of any and all changes of salaries.

To take effect
July 1.

2. Readjustments (salaries of postmasters of the first, second, and third classes) shall be made annually to take effect at the beginning of the ensuing fiscal year (July 1) upon the basis of returns for the four quarters ending December 31 preceding such adjustments.

Note.

NOTE.—For exceptions as to readjustments for offices advanced because of unusual conditions see sec. 426.

Relegation to
lower class.

3. When the receipts at any office fall below the minimum required for the class to which it is assigned it shall be relegated to its proper class; but the status of an office of the first-, second-, or third-class shall be changed at the regular readjustment

period, except as provided in section 426 with reference to unusual conditions.

4. Where two or more postmasters serve during the same quarter, the salary of the office shall be divided pro rata among them.

Division of salary among different postmasters.

Fourth-class postmasters, compensation.
39 U. S. C. 57.

426. (a) The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, postal cards, stamps on registry matter, including stamps to cover return receipts, insured and collect-on-delivery matter, canceled, on matter actually mailed at their offices, except the stamps affixed to pay the fees for special delivery service and special handling service, and on that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third- and fourth-class matter mailed under the provisions of section 295 of this title, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of section 273 of this title, without postage stamps affixed (and on business reply cards and envelopes, see par. 5), and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

—rate.

(b) On the first \$75 or less per quarter the postmaster shall be allowed 160 per centum on the amount; on the next \$100 or less per quarter, 85 per centum; and on all the balance, 75 per centum, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That in adjusting the quarterly compensation of postmasters of the fourth class the General Accounting Office shall allow such compensation as may be shown by the quarterly returns to be due, not exceeding \$275 for the quarter ending September 30, not exceeding \$550 for the two quarters ending December 31, not exceeding \$825 for the three quarters ending March 31, and not exceeding \$1,100 for the

whole fiscal year, exclusive of 3 cents commission on each money order issued.

How counted temporarily, 1932, June 6; Public, No. 154, sec. 1001. 53 Stat. 862.

(c) * * * For the purpose of determining the commissions (as distinguished from the compensation and the allowances based thereon) of postmasters of the fourth class, only 85 per centum of the applicable cancellations, collection, and receipts during such period (July 6, 1932 to July 1, 1941) shall be counted.

—change of postmasters. 39 U. S. C. 57a.

2. Whenever during the fiscal year there occurs or is created a change in the postmastership of an office of the fourth class, by death or otherwise, the outgoing postmaster shall receive in the final settlement of his account all his earned compensation for that part of the fiscal year which he has served, but in no case shall such compensation amount to more than such sum as is determined by taking such a fractional part of \$1,100 as the time he has served in that fiscal year is to the whole fiscal year.

—office assigned to higher class. 39 U. S. C. 59.

3. When the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to \$1,100, exclusive of 3 cents commission on each money order issued, and the receipts of such post office for the same period shall aggregate as much as \$1,500, the office shall be assigned to its proper class on July 1, following and the salary of the postmaster fixed according to the receipts.

—unusual conditions. 39 U. S. C. 60.

4. Whenever unusual conditions prevail, the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the provisions of section 59 of this title which requires the compensation of fourth-class postmasters to reach \$1,100 for the calendar year, exclusive of commission on each money order issued, and that the receipts of such post office for the same period shall aggregate as much as \$1,500 before such advancement is made: *Provided*, That when the Postmaster General has exercised the authority herein granted he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appro-

priate class indicated by its receipts for the last preceding quarter.

See sec. 427 as to commissions on postage collected in money; sec. 1083 as to compensation for special-delivery business; sec. 1403 as to commissions on money-order business; sec. 252 as to fixing compensations in case of false returns of cancellations; sec. 2319 as to punishment for making false returns; sec. 1602 as to transaction of postal-savings business; sec. 475 as to allowances for rent, fuel, light, and equipment; secs. 529 and 579 as to fees on second-class matter.

5. * * * postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on such (business reply) cards and letters (in business reply envelopes) mailed at their offices.

—on business
reply cards
and envelopes.
39 U. S. C. 303.

See sec. 510 as to rates of postage to be collected on delivery.

427. Postmasters of the fourth class shall be allowed commissions as follows:

Commissions of
postmasters of
fourth class.

(a) Upon the amount of canceled postage stamps, stamped envelopes, newspaper wrappers, postal cards, canceled postage-due stamps, stamps on registered matter, including stamps to cover return receipts, insured and collect-on-delivery matter canceled, on matter actually mailed at their offices, that part of the value of the stamps on the mail for transportation by air mail, canceled at their offices, equal to the postage which would be required on such mail at the regular domestic rates, and other matter actually mailed at their offices.

(b) Upon the amount of newspaper and periodical postage collected in money, and on the postage collected in money on mailings of the various classes of matter mailed under permit without postage stamps affixed, as provided in sections 562 and 579, and on business reply cards and letters in business reply envelopes at 1 cent each and 3 cents for each ounce or fraction thereof, respectively, mailed in accordance with section 510 the same as on cancellations of postage stamps. Credit shall be allowed postmasters for cancellations of stamps on matter mailed on rural routes and at rural stations of their offices. The total collections on second-class matter mailed at pound rates shall be reported as one item, and the total collections on mailings under sections 562 and 579 as another separate item in the quarterly postal account.

(c) On amounts received from waste paper, dead newspapers, printed matter, and twine sold.

2. Commissions shall not be claimed by postmasters for the cancellation of the penalty clause on official envelopes. —exceptions.

3. Commissions shall not be claimed by postmasters for the cancellation of postage stamps on matter diverted from other post offices to their post offices for mailing. (See sec. 709.)

4. Commissions shall not be claimed by postmasters on undeliverable mail matter of the second, third, and fourth classes which

is returned to the sending office and which bears the pledge "Return postage guaranteed."

5. Credit shall not be allowed for cancelation of internal-revenue stamps or of special-delivery stamps or ordinary stamps used to effect special delivery of mail or of special-handling stamps or ordinary stamps used to effect special-handling service.

6. At offices of the fourth class, whenever during the fiscal year a change of postmasters occurs from any cause, the outgoing postmaster shall receive, in the final settlement of his account, all his earned compensation for that quarter of the fiscal year which he had served, as provided in section 426.

Withdrawal of compensation.

7. A postmaster of the fourth class may withdraw his earned compensation at any time during the quarter, but shall not withdraw more than his pro rata portion of the quarterly compensation, to be determined in accordance with the provision of section 426, and shall have on hand at all times an amount sufficient to meet the demands of the Government after credit is given for salary and all other authorized expenditures.

See sec. 138 as to unlawful pledging or sale of stamps; sec. 252 as to false returns of business, and sec. 1403 as to commissions on money orders issued.

Withdrawal of accrued salaries

428. Postmasters of the first, second, and third classes shall withdraw their accrued salaries at the close of business on the 15th and last day of each month. If either of said days falls on Sunday or a legal holiday, the accrued salaries may be withdrawn on the next business day. (See sec. 235.)

Salaries of postmasters to be full compensation for all risks, etc.
39 U. S. C. 717.

429. * * * The salaries of postmasters, as fixed by law, shall be deemed and taken to be full compensation for the responsibility and risk incurred and for the personal services rendered by them as custodians of the money-order and other funds of the Post Office Department.

Compensation of acting postmasters.
39 U. S. C. 63.
—to be regular compensation of office.

430. Any person performing the duties of postmaster, by authority of the President, at any post office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster.

Note.

NOTE.—A person performing the duties of postmaster, where there is a vacancy in the office, by appointment of the Postmaster General is held to be acting by authority of the President. (See secs. 407 and 416.)

CHAPTER 3

GENERAL PROVISIONS RELATING TO POST OFFICES

Post offices to be open as directed by Postmaster General.
39 U. S. C. 4.

431. Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster General may direct,

for the purpose of receiving, delivering, making up, and forwarding all mail matter received thereat.

See secs. 435 and 436 as to office hours.

432. Application for authority to change the site or location of a post office shall be made to the Fourth Assistant Postmaster General, Division of Post Office Quarters, when the office is of the first, second, or third class, and to the First Assistant Postmaster General, Division of Postmasters, when of the fourth class. Should the site of an office be changed without authority the postmaster shall provide for the exchange and carrying of the mails without additional expense to the Post Office Department.

Change of site of post office.—application for authority.

Where site changed without authority.

2. The postmaster shall state in his application the distance and direction of the proposed new site from the one occupied, and whether the cost of transportation of mails will be increased or decreased, and shall furnish a map or diagram of the city, town, or village, showing the present and proposed locations with respect to the principal places of business, and a petition signed by a majority of the patrons of his office that the change is satisfactory to them. In the case of first, second, and third class post offices the postmaster shall also forward a diagram of the present and proposed quarters upon which is accurately indicated the dimensions of each and the space therein to be used for post office purposes exclusively. At such offices the postmasters shall also state the amount that will be required for rent and for light and fuel per year for the proposed new quarters. Where post offices are located on railroads the application shall show the distance between the proposed site and the railroad station by the nearest route open to public travel, and shall state whether mails are handled by railroad employees or a department mail messenger.

—what application shall show.

3. Postmasters at post offices located on railroads shall also advise the division superintendent, Railway Mail Service, in advance of a change in site of the office, giving the distance between the railroad station and the new site, and stating whether mails are handled between post office and station by employees of the railroad or of the Post Office Department. Where mails are handled by railroad employees the local railroad agent or other representative shall also be advised before change of site is made.

Division superintendent Railway Mail Service to be advised.

433. Post offices shall not be allowed to become resorts for loungers or disorderly persons, or the scene of disputes or controversies. Smoking may be prohibited in the lobbies. Whenever necessary, postmasters should call on the civil authorities to preserve order, and if they refuse or fail to do so, the office may be closed.

Care of post offices.—to be kept free from loungers, etc.—smoking may be forbidden.

2. Post offices shall be kept at all times in a clean and orderly condition.

—to be clean and orderly.

3. No post office, or branch, or station of any post office shall be located in a room where intoxicating liquor is sold to be

consumed on the premises or in any room directly connected therewith.

Advertisements in post offices.
—not to be displayed.
Notices designed to influence elections not to be placed in post offices.

434. Advertisements, circulars, placards, handbills, cards, or notices relating to any private business, and pictures, cartoons, or other documents of a political character, or concerning any election, or designed to influence an election in favor of any candidate, shall not be placed upon the walls or elsewhere, for public exhibition, within post offices or the lobbies thereof, or on any portion of the post-office premises.

Bulletin board for public notices, etc.

2. Postmasters may, for the convenience of the public, allow bulletin boards to be placed in the post office, or may set apart some convenient place where notices of public assemblies, judicial sales, and other like announcements, whether printed or written, may be displayed; but these privileges shall be afforded without discrimination as to party or sect.

Weather Bureau reports.
—to be posted.

3. Postmasters shall post in a conspicuous place Weather Bureau reports received at their offices. (See secs. 517 and 1709.)

4. Postmasters may permit bulletin boards to be placed in the employees' swing rooms on which may be posted notices unobjectionable to the postmaster relating to the activities of employees' organizations, and such boards shall be equally available to all organizations. Such boards shall be erected according to specifications prepared by the postmaster, the expense thereof to be borne by the interested employees or organizations of employees.

5. The bulletin boards in the post-office workrooms and lobbies shall, except as stated in paragraph 2, be used only for the display of official notices, and no notices such as described in paragraph 4 shall be posted thereon.

Post-office hours.
—week days.

435. Post offices shall be kept open for the delivery of mail and the sale of stamps every week day during the hours when the principal business houses are open. Any postmaster desiring specific instructions as to general delivery and stamp-window hours should write to the First Assistant Postmaster General, stating when mails arrive and depart and what hours are observed by the principal business houses.

Registry service.

2. Offices of the first class and their stations shall be kept open for the receipt and delivery of registered mail until 6 p. m. and offices of other classes during the hours observed by the principal business houses.

Money-order service at first and second class offices.

3. Post offices of the first class shall be kept open for the transaction of money-order business from 9 a. m. to 5 p. m.; offices of the second class from 8 a. m. until 6 p. m.; and stations of offices of the first and second classes from 8 a. m. until 6 p. m. Additional time shall be allowed by the postmaster if necessary.

—at third and fourth class offices.

4. Third- and fourth-class offices doing money-order business shall be kept open for such business during the hours observed for the transaction of postal business; and, as a general rule, money-order business shall be transacted during the period in which stamps are sold.

Postal-savings service.

5. Every post office designated as a postal-savings depository shall remain open for the receipt and withdrawal of deposits

every week day during the hours prescribed for the transaction of money-order business and at such other times as the business of the office may require or as the Postmaster General shall direct.

6. Service to the public at post-office windows shall not be suspended on account of the distribution of mails during the regular hours of service at such windows if the clerical force is sufficient to attend to both distribution and delivery at the same time.

Window service during distribution of mails.

7. Post offices shall not be closed during business hours unless special authority has been obtained from the First Assistant Postmaster General.

Authority for closing.

8. Postmasters shall not maintain night service, either at the main office or stations, where such service involves any additional expense, without authority from the First Assistant Postmaster General.

Night service.

9. Lobbies of post offices may remain open at the postmaster's discretion when no one is on duty if the screen work extends to the ceiling and if all doors, windows, and wickets connecting the lobby with the working portion of the office are securely locked and police protection is adequate.

Lobbies open.

436. Post offices of the first and second classes shall not be open on Sundays for the purpose of delivering mail to the general public, but this provision shall not prevent the prompt delivery of special-delivery mail.

Sunday hours.
39 U. S. C. 5.

2. Postmasters at first- and second-class post offices shall not require more clerks and carriers to be on duty on Sundays than are requisite to collect and prepare mail for dispatch and to make such distribution of incoming mail as is necessary to meet the requirements of the law as to special-delivery mail and to perform such distribution as may be necessary to prevent congestion or an accumulation of mail that would prevent prompt deliveries on Monday. Renters of lock boxes may be permitted to obtain on Sundays such mail as may be distributed into their boxes during the process of necessary distribution.

—clerks and carriers at first- and second-class offices.

3. When the distribution of mail to lock boxes is necessary lobbies may be left open for such length of time thereafter as is safe and expedient.

—lobbies.

4. Third- and fourth-class post offices need not be opened on Sundays unless a mail or mails arrive during the time between the Saturday closing hour and 6 p. m. Sunday. If such a mail does arrive and the public convenience requires its delivery on Sunday, the office may be opened to the public not more than once nor for more than one hour, at the time of service to patrons shall not be during that of church services.

—when required at third- and fourth-class offices.

5. If such an office is opened to the public on Sundays, special-delivery mail shall be delivered but the sale of postage stamps, the registration of mail, and the delivery of registered mail is left to the option of the postmaster, and money orders need not be issued or paid.

—service.

Holidays.
—days designated as.
39 U. S. C. 119.
5 U. S. C. 87a,
Supp. V.

437. * * * holidays (in the Postal Service) shall be New Year's Day (January 1); Washington's Birthday (February 22); Memorial Day (May 30); Independence Day (July 4); the first Monday in September, known as Labor Day; Armistice Day (November 11); Christmas (December 25); and such other days as the President of the United States may set apart as fast or thanksgiving days. All days, other than the holidays enumerated herein, set aside by the President of the United States as holidays to be observed by the other departments of the Government throughout the United States shall be construed as applicable to the Postal Service in the same manner and to the same extent as the executive departments.

—service on.

2. Post offices shall be kept open on holidays specified above such length of time as may be necessary to meet the reasonable postal requirements of the public. Mails shall be made up and dispatched on such holidays as on other week days.

—holiday falling on Sunday.

3. When any of the holidays mentioned in the preceding paragraphs fall on Sunday, the following Monday may be observed, unless otherwise specially provided by proper authority.

See sec. 464 as to compensatory time for service performed by employees in post offices on Sundays and holidays.

Regulations, orders, etc., shall be preserved.

438. Postmasters shall file and preserve in their offices all correspondence, records, books of regulations, guides, instructions, circulars, and orders received from any officer of the department or the General Accounting Office. (See sec. 101.)

Instructions, in case of doubt.

439. Whenever a postmaster at a first-class office is in doubt as to the interpretation of a provision of law or regulation or other departmental requirement affecting a matter requiring his official action, he shall before taking action, ask instructions from the proper bureau of the Post Office Department, provided the necessary information cannot be found in the Postal Laws and Regulations, the Official Postal Guide, or the Postal Bulletin. Such an inquiry when made by postmasters at offices of the second, third, or fourth classes, shall be addressed to the post-office inspector in charge of the division in which their respective offices are located.

Postmaster to consult inspector in charge.

See sec. 28 concerning interpretations of registry, insured, or C. O. D. regulations.

Correspondence with department.

440. In all correspondence with the Post Office Department the name of the post office and State shall be plainly written or printed at the head of each communication, and the letter or indorsement dated and signed. Each letter shall be confined to one subject.

Communications to be answered promptly.

2. All communications from the Post Office Department and General Accounting Office and official inquiries and tracers from postmasters or inspectors shall be answered promptly, and all

letters of inquiry, applications, or complaints, which have been addressed to the department and referred to a postmaster for explanation or information shall, as far as possible, be regarded as confidential and returned with the report or answer respecting the same.

3. Postmasters and others in the Postal Service shall make official telegrams as brief as possible. A postmaster shall be addressed simply by his title, for example, "Postmaster, Buffalo, N. Y." Postmasters shall sign with their surnames, followed by the word "Postmaster." Department officials shall not be addressed by name, but simply by their titles, for example, "Chief Inspector, Post Office Department."

4. Telegrams to the Department from first- and second-class offices on purely routine matters relating to the service shall in all cases be sent "Prepaid, official business, Government rate." Telegrams to the Department from third- and fourth-class offices shall be sent "Official business, collect Government rate." Personal telegrams shall be prepaid. Employees of the Department traveling or located outside of Washington shall endeavor to divide equitably the telegraph business between the different companies.

5. Copies of all prepaid messages with a statement covering the cost of such messages shall be forwarded to the First Assistant, Division of Post Office Service, at the close of each quarter with a request for an allowance to cover such expenditures. Telegraph companies must be required to return to the postmaster the originals of all prepaid messages with properly certified bills. The bills and the originals of prepaid messages and carbon or tissue copies of received-collect messages shall be attached to the voucher, Form 1526-P, and submitted to the Bureau of Accounts with the quarterly account.

441. Postmasters and their subordinates shall treat all the patrons of their offices with courtesy and consideration.

442. Postmasters shall not use their official signatures for advertising purposes, or stamp their own or any other advertisement upon mail matter passing through their offices.

2. No postmaster or other postal officer or employee in his official capacity shall, without special authority from the Postmaster General, give any indorsement to a private enterprise or business institution; and no postmaster shall give official indorsements of patrons of his office, or testimonials, or guaranties as to their honesty, reliability, etc.

3. Postmasters and other employees in the Postal Service shall not act as agents for any lottery or send or deliver any mail matter relating thereto.

See secs. 601 to 604 as to lottery matter in the mails, and sec. 2361 as to penalty for acting as lottery agent, etc.

4. Postmasters at post offices of the fourth class may transact other business in the same room in which the post office is located; but such business shall be kept separate and distinct from that of the post office.

Telegrams.

—to be addressed to title of official.

—when to be prepaid.

—to be sent "collect" to department.

—personal.
—from employees outside of Washington.
—different companies.

—copies of prepaid messages.

Demeanor toward patrons.

Postmasters not to use positions for advertising purposes.

Testimonials.

Lottery agent.

Postmasters at offices of the fourth class may transact other business.

Reports of robberies of post offices.

—to whom made.

—by telegram details.

—by letter.

Solicitor to be advised.

Postmasters liable, when.

443. When a post office, branch, or station has been broken into by burglars, damaged by fire, cyclone, flood, or otherwise; when a loss of Government funds or property occurs, by theft or otherwise; or whenever a postmaster or other person employed in or connected with a post office has been assaulted or robbed, while on duty or in possession of mail matter or Government funds or property, the postmaster shall immediately make report thereof by telegram to the post-office inspector in charge of the division in which the office is located. Such telegrams shall show the nature of the occurrence, the approximate loss, and the serial numbers of blank money-order forms stolen. If there was no loss the telegram should so state. If the loss included supplies state what action, if any, has been taken to obtain an emergency stock. Such telegrams shall be sent collect and indorsed "Official business, Government rate, collect."

2. An immediate report by letter shall also be made to the same inspector in charge, giving all known circumstances connected with the occurrence, including the nature, date, detailed inventory of the loss, denominations of the stamped paper stolen, serial numbers of money-order forms stolen, the amount of each class of Government funds (postal, money order, etc.) and Government property taken, and whether any clues have been found indicating the identity and whereabouts of the person or persons responsible. If the mail key has been taken its number shall be furnished. (See sec. 1894.) Full particulars regarding registered mail lost or rifled shall be given also.

3. The inspector in charge shall report the name of the post office and other particulars to the chief inspector, who shall immediately notify the solicitor of the Post Office Department of every such case from which a claim for credit under the provisions of section 159 may arise. Where the circumstances warrant, the inspector in charge shall report the facts in detail by telegram to the chief inspector.

4. The postmaster shall be held responsible for the loss of Government funds or property if he fails to exercise due care in the protection thereof. (See sec. 106.)

See sec. 809 as to reports of losses of mail matter, delays, etc.; sec. 2303 as to reports of commission of offenses against the postal laws; sec. 1380 as to indemnity for lost registered matter; sec. 440 as to manner of sending telegrams.

PENSION VOUCHERS

Pension vouchers.
38 U. S. C. 59.

444. All United States officers on March 1, 1889, authorized to administer oaths are hereby required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge.

38 U. S. C. 60.
—to be executed.
—by fourth-class postmasters.

2. * * * Fourth-class postmasters of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their

vouchers with like effect and force as officers having a seal; and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner.

3. * * * Rural free delivery carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers, with like effect and force as officers having a seal, and they are authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner.

—by rural carriers.
38 U. S. C. 61.

4. A pensioner within the meaning of said laws and as referred to throughout this section may be any person to whom pension is due and payable from the United States and who is required to execute and present a voucher for the payment thereof, whether such person be in fact a pensioner, the wife of a pensioner, the guardian of a pensioner or of his wife or minor children, or a payee of pension as reimbursement on account of expenses of last sickness and burial of a pensioner. The term "voucher" applies not only to the form commonly so designated but to any and all sworn statements required in connection with such form.

Definition of "pensioner."

—of "voucher."

5. A fourth-class postmaster or rural carrier may demand and receive but one fee for each voucher as prescribed by the laws, whether the voucher should include one or several papers or involve the administration of an oath to one or several persons, but he is entitled to the fee if called upon to authenticate any one of the papers necessary to complete a voucher where the others are required to be or have been executed elsewhere; and he cannot refuse to authenticate a voucher or any paper necessary to its completion if the lawful fee be tendered. The laws do not empower postmasters or rural carriers to administer oaths in any other matters relating to pensions within the jurisdiction of the Administrator of Veterans' Affairs or any other Federal officer.

Fees for execution.

6. No report of the money received by postmasters or rural carriers as fees for authenticating pension vouchers need be made to the department.

—not to be reported.

7. Persons having religious scruples against taking an oath may affirm. No particular set of words need be employed in administering the oath or taking the affirmation. It will be sufficient, in substance, to charge the persons swearing or affirming: "You do solemnly swear (or affirm) that the statements contained in the voucher signed by you are to your knowledge true."

Taking of oath.

8. In all cases where the voucher form calls for statements of possession and exhibition of the pension certificate, it must be exhibited to the postmaster or rural carrier at the execution of each and every voucher for the payment of any pension. When the certificate is lost or cannot for any other reason be

Exhibition of certificate.

exhibited, the voucher may be executed only upon the exhibition to the postmaster or rural carrier of a permit duly issued by the Administrator of Veterans' Affairs, and such permit must be securely attached to the voucher.

Signature.
—of postmaster
—of carrier.

9. Postmasters should add after their names, when signed to vouchers, the word "Postmaster." Rural carriers shall attach their signatures to vouchers written in the same manner as signed to their official bonds, adding thereafter the words "Rural Carrier No. —," the name of the post office and the State.

—who can not
execute.

10. Neither acting postmasters, assistant postmasters, temporary nor substitute rural carriers are qualified by paragraphs 1 and 2 of this section to authenticate pension vouchers. Vouchers authenticated by any such officials will not be accepted.

—must be
legible.

11. Postmasters and rural carriers shall place on each voucher in the place marked "L. S." a clear, distinct, and legible impression of the postmarking stamp, showing the date, name of the post office, and State. Vouchers authenticated by postmasters and rural carriers without using a postmarking stamp or with unsatisfactory impressions of the postmarking stamp will not be accepted.

—penalty for
false authentication.

12. To authenticate a voucher prior to the fourth day of the month in which the pension is payable and post-date the jurat to make it appear that the voucher was executed on any other than the actual date of execution; or to authenticate a voucher without the pensioner being present and duly sworn, or in the absence of witnesses where witnesses are required; or to willfully aid or assist in the making or in any wise procure the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper, or writing concerning any claim for pension, renders the offender liable to a fine not exceeding \$500, or to imprisonment for a term of not more than three years.

See 38 U. S. C. 126.

Instructions
concerning
execution.

13. Inquiries concerning the execution of pension vouchers should be addressed to the Administrator of Veterans' Affairs, Washington, D. C.

Note.

NOTE.—By the act of March 5, 1874 (18 Stat. 19), authority to administer certain oaths was given to "any officer, civil or military, holding a commission under the United States." All presidential postmasters hold commissions under the United States and are therefore included in paragraph 1 of this section.

CHAPTER 4

POSTMASTERS, ASSISTANT POSTMASTERS, AND CLERICAL PERSONNEL

Postmasters to
give personal
attention to
offices.

445. Postmasters shall give personal attention to the business of their offices. At offices of the first, second, and third classes they shall devote not less than eight hours during the business part of the day to the conduct of their offices and perform duties

appropriate to their positions. At offices of the fourth class postmasters are required to devote up to eight hours a day, depending upon its size, to the business of their offices. Postmasters of all classes should not engage in any business or activity which in any way interferes with the proper discharge of their duties as postmasters and must not engage in any business which involves canvassing or soliciting.

2. Postmasters at offices where branch offices and stations are maintained shall visit the same frequently.

Postmasters to visit stations.

3. Postmasters shall not absent themselves from their offices without written authority in advance from the Inspector in Charge of the Division in which the post office is located, except that in an emergency a postmaster may absent himself for not longer than two days without first securing such prior written authority, but he must make prompt report thereof and secure the approval of the Inspector in Charge.

Unauthorized absences prohibited.

NOTE.—Postmasters are not included in the scope of the forty-hour-week law. They may, however, take time off on Saturday afternoon if there is a total or partial suspension of business in their communities on Saturday afternoon (or other short work week-day observed by the community other than Saturday), provided no additional expense will result from such absence.

Note.

4. During the absence of the postmaster at a third-class office a competent assistant who has taken the oath of office and furnished the required bond shall be left in charge. (See secs. 418 and 472.)

Absence, third-class postmasters.

NOTE.—There is no appropriation from which an additional allowance may be granted for clerk hire at a third-class office on account of the postmaster's absence. Therefore, any leave granted such a postmaster is conditioned upon the disbursement from his salary of sufficient funds to insure proper assistance being employed in the post office during his absence.

Note.

5. Postmasters of all classes shall be granted leave of absence as follows, and the provisions of this section apply in all respects to acting postmasters:

Leave of absence.

(a) *Annual leave*.—15 days annual leave with pay during each fiscal year, the unused portion of which is cumulative, but the taking of the same will be limited to 30 days in any one fiscal year. Sundays and holidays are excluded in counting annual leave, and Saturdays (or short work-week day observed by the community other than Saturday) are excluded in extended periods of a week or more.

Annual leave.

(b) *Sick leave*.—When necessary, 30 days sick leave with pay may be granted during each fiscal year. Saturdays, Sundays, and holidays are counted in sick leave, and the unused part is not cumulative. The minimum charge for absence on account of sickness shall be one-half day. Application for sick leave shall be filed within two days after return to duty.

Sick leave.

(c) Annual and sick leave shall not be granted with pay at the beginning of a fiscal year immediately following a period of absence in a nonpay status in the preceding fiscal year unless and until there is a return to duty.

(d) *Leave without pay*.—All leave without pay is granted on the basis of full days only.

Leave without pay.

Conventions.

(e) *Conventions*.—Leave of absence with pay is granted without application therefor, and without charge to annual leave, to postmasters who desire to attend their State and National postmaster's conventions, for the time in attendance at the convention and actual time taken to travel to and from the convention by the shortest possible route by train. Offices must be left in charge of competent and duly bonded employees, and when a postmaster returns to his office he must make prompt report of his absence to the Inspector in Charge.

See secs. 47 and 48 relative to military leave, and sec. 44 relative to leave as witnesses for the Government in United States Courts.

1940, June 8;
Public. No. 570.

(f) Every classified civil-service employee who shall be appointed to the position of postmaster shall retain to his credit whatever amount of sick leave and vacation time is properly due him on the date of his appointment to the position of postmaster: *Provided*, That such accumulated sick leave and vacation time shall be transferred to the credit of the employee as of the date of his appointment as postmaster in the same manner as the time might have been utilized by him before appointment: *Provided further*, That this Act shall be retroactive to the extent that every postmaster at a first- or second-class post office who shall have received appointment as postmaster while an employee of the classified civil-service and who shall hold the position of postmaster on the date this Act becomes effective, shall be entitled to the benefits of the Act and shall be credited with the amount of accumulated sick leave and vacation time which was due him on the date of his appointment as postmaster.

Leave unused.

6. A postmaster's leave automatically terminates on the date a successor assumes charge of the office; leave unused on that date is forfeited, and he is not entitled to compensation for unused leave of absence.

Applications for
leave to be
made to Inspec-
tor in Charge.

7. Inquiries relative to leave should be made to the Inspector in Charge of the Division in which the post office is located, and every application for leave of absence shall be made on Form 3957-B and forwarded to that official. When extended leave (duration of week or more) is requested on account of illness, the postmaster's application should be accompanied by a doctor's certificate. Postmasters' telegrams applying for leave shall be prepaid and replies thereto from the Inspector in Charge or the Department sent "collect."

Assistant post-
masters.
—appointment
of.

446. At post offices where the appointment of an assistant postmaster has not been specifically authorized by the department the postmaster shall designate one of the clerks to perform the duties of the postmaster during his absence.

2. At post offices of the first and second classes the position of assistant postmaster is in the competitive classified service, and when appointments thereto are authorized they shall be made in accordance with the civil-service rules and be reported (on the proper form in triplicate) to the First Assistant Postmaster General for approval.

—in accordance with civil-service rules at first and second class offices.

3. Assistant postmasters at offices of the third and fourth classes may be selected without the approval of the department, but males under 21 years of age and females who are not of age under the laws of the State are not eligible for such appointment at any presidential post office. Such selections need not be reported to the department unless the office has a money-order credit with the Treasurer of the United States. (See sec. 419.) A member of the postmaster's family or a surety on his bond may, if competent, be appointed assistant postmaster at a third or fourth class office or designated to perform the duties of the postmaster during his absence.

—at third and fourth class offices.

4. Assistant postmasters or persons designated to act for the postmaster shall perform such duties as may be assigned to them by the postmaster except as otherwise prescribed by departmental instructions.

—duties of.

5. At post offices of the first, second, and third classes the person appointed assistant postmaster or the person designated to perform the duties of postmaster during the postmaster's absence shall, if he has not already done so, furnish bond on Form 1117. The bonds of all such employees shall be filed by the postmasters in their offices.

—bond.

6. The postmaster at an office of the third or fourth class may employ as clerks without expense to the department, in addition to the required assistant, such competent members of his family or other persons, whether of legal age or not, as he may desire to have assist him. All persons eligible and competent who are regularly employed or likely to be called upon to handle mail or perform other official work in such a post office shall take the oath of office (Form 9005), which oath shall be filed in the post office.

—clerical help, third and fourth class offices.

7. Contractors or subcontractors for carrying the mail, mail messengers, assistant messengers, or persons concerned in the prosecution of claims against the Government shall not be appointed assistant postmaster or clerk in a post office; except that in the discretion of the Postmaster General, a postmaster, an assistant postmaster, or a clerk in a post office of the third or fourth class may enter into a contract for the performance of mail-messenger service, provided the total amount payable under such contract shall not exceed \$300 in any one year. (See secs. 65, 1708, and 1772.)

—mail contractors, etc., ineligible.

—exceptions.

See sec. 419 as to authority of assistant postmaster to perform duties of office during absence of postmaster and as to designation at money-order offices of some clerk besides the assistant postmaster to perform duties of office during absence of postmaster; sec. 30 as to oath of office; secs. 450 and 464 as to clerks in offices of the first and second classes; secs. 468 and 469 as to clerical help at distributing offices for extraordinary business.

Oaths of assistant postmasters, clerks, etc.

447. Assistant postmasters, clerks, and employees in post offices, before entering upon the discharge of their duties, shall take the oath of office upon the form furnished by the Post Office Department (see sec. 30), and postmasters shall retain such oaths in the files of their respective offices. (See sec. 703.)

Assistant postmasters, second-class offices, salaries of.
39 U. S. C. 88.

448. At offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

\$8,000 but less than \$10,000, \$2,200.
\$10,000 but less than \$12,000, \$2,200.
\$12,000 but less than \$15,000, \$2,200.
\$15,000 but less than \$18,000, \$2,300.
\$18,000 but less than \$22,000, \$2,300.
\$22,000 but less than \$27,000, \$2,400.
\$27,000 but less than \$33,000, \$2,400.
\$33,000 but less than \$40,000, \$2,500.

Assistant postmaster to conduct office during vacancy, etc.

449. When a postmaster resigns or dies, or is removed, the assistant postmaster or designated employee shall conduct the business of the office until otherwise instructed by proper authority, or until an acting postmaster has been appointed and assumed charge of the office, as provided in section 416, or until a successor is appointed and commissioned.

See sec. 411 as to placing post-office inspector in charge of post office.

Clerks at post offices of the first and second classes.
—employment of, to be authorized.

450. The First Assistant Postmaster General may allow to postmasters at offices of the first and second classes such numbers of clerks and other employees as he may deem necessary for the proper conduct of the business of their offices, in accordance with the classification prescribed, and within the limit of the appropriation provided by law.

Allowances to include all clerical services.
39 U. S. C. 83.

2. The allowances for clerk hire made to postmasters of the first, second, * * * class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, * * *.

Classification and salaries of employees at offices of first class, other than those in the automatic grades.
39 U. S. C. 86.

451. At offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

Receipts \$40,000, but less than \$50,000—assistant postmaster, \$2,600; superintendent of mails, \$2,400.

Receipts \$50,000, but less than \$60,000—assistant postmaster, \$2,600; superintendent of mails, \$2,400.

Receipts \$60,000, but less than \$75,000—assistant postmaster, \$2,600; superintendent of mails, \$2,400.

Receipts \$75,000, but less than \$90,000—assistant postmaster, \$2,700; superintendent of mails, \$2,500.

Receipts \$90,000, but less than \$120,000—assistant postmaster, \$2,700; superintendent of mails, \$2,600; foremen, \$2,500.

Receipts \$120,000, but less than \$150,000—assistant postmaster, \$2,800; superintendent of mails, \$2,700; foremen, \$2,500.

Receipts \$150,000, but less than \$200,000—assistant postmaster, \$2,900; superintendent of mails, \$2,800; foremen, \$2,500.

Receipts \$200,000, but less than \$250,000—assistant postmaster, \$3,000; superintendent of mails, \$2,900; foremen, \$2,500.

Receipts \$250,000, but less than \$300,000—assistant postmaster, \$3,100; superintendent of mails, \$3,000; assistant superintendent of mails, \$2,600; foremen, \$2,500.

Receipts \$300,000, but less than \$400,000—assistant postmaster, \$3,200; superintendent of mails, \$3,100; assistant superintendent of mails, \$2,600; foremen, \$2,500.

Receipts \$400,000, but less than \$500,000—assistant postmaster, \$3,300; superintendent of mails, \$3,200; assistant superintendent of mails, \$2,600; foremen, \$2,500.

Receipts \$500,000, but less than \$600,000—assistant postmaster, \$3,500; superintendent of mails, \$3,300; assistant superintendent of mails, \$2,600; foremen, \$2,500; postal cashier, \$2,900; money-order cashier, \$2,600.

Receipts \$600,000, but less than \$1,000,000—assistant postmaster, \$3,700; superintendent of mails, \$3,500; assistant superintendent of mails, \$2,800; foremen, \$2,500; postal cashier, \$3,100; money-order cashier, \$2,800.

Receipts \$1,000,000, but less than \$2,000,000—assistant postmaster, \$3,900; superintendent of mails, \$3,700; assistant superintendents of mails, \$2,700, \$2,800, and \$3,100; foremen, \$2,500 and \$2,600; postal cashier, \$3,300; assistant cashiers, \$2,600; money-order cashier, \$3,000; bookkeepers, \$2,400; station examiners, \$2,400.

Receipts \$2,000,000, but less than \$3,000,000—assistant postmaster, \$4,000; superintendent of mails, \$3,800; as-

sistant superintendents of mails, \$2,700, \$2,800, \$3,000, and \$3,300; foremen, \$2,500 and \$2,600; postal cashier, \$3,400; assistant cashiers, \$2,600 and \$2,900; money-order cashier, \$3,100; bookkeepers, \$2,400 and \$2,500; station examiners, \$2,600.

Receipts \$3,000,000, but less than \$5,000,000—assistant postmaster, \$4,100; superintendent of mails, \$3,900; assistant superintendents of mails, \$2,700, \$2,800, \$3,100, and \$3,500; foremen, \$2,500 and \$2,600; postal cashier, \$3,600; assistant cashiers, \$2,600, \$2,800, and \$3,100; money-order cashier, \$3,300; bookkeepers, \$2,400 and \$2,500; station examiners, \$2,600 and \$2,800.

Receipts \$5,000,000, but less than \$7,000,000—assistant postmaster, \$4,300; superintendent of mails, \$4,100; assistant superintendents of mails \$2,700, \$2,800, \$3,100, \$3,300, and \$3,700; foremen, \$2,500 and \$2,600; postal cashier, \$3,800; assistant cashiers, \$2,600, \$2,900, and \$3,100; money-order cashier, \$3,500; bookkeepers, \$2,400, \$2,500, and \$2,600; station examiners, \$2,600 and \$2,800.

Receipts \$7,000,000, but less than \$9,000,000—assistant postmaster, \$4,600; superintendent of mails, \$4,300; assistant superintendents of mails, \$2,700, \$2,800, \$3,100, \$3,500, and \$3,900; foremen, \$2,500 and \$2,600; postal cashier, \$4,000; assistant cashiers, \$2,600, \$2,800, \$3,100, and \$3,400; money-order cashier, \$3,600; bookkeepers, \$2,400, \$2,500, and \$2,600; station examiners, \$2,600 and \$2,800.

Receipts \$9,000,000, but less than \$20,000,000—assistant postmasters, \$4,700 and \$4,800; superintendent of mails, \$4,500; assistant superintendents of mails, \$2,800, \$2,900, \$3,100, \$3,500, \$3,700, and \$4,100; foremen, \$2,500, \$2,600, and \$2,700; postal cashier, \$4,100; assistant cashiers, \$2,600, \$2,800, \$3,200, and \$3,600; money-order cashier, \$3,700; bookkeepers, \$2,400, \$2,500, \$2,600, and \$2,800; station examiners, \$2,600 and \$2,800.

Receipts \$20,000,000 and upward—assistant postmasters, \$4,800 and \$4,900; superintendent of mails, \$4,700; assistant superintendents of mails, \$2,800, \$2,900, \$3,100, \$3,500, \$3,900, and \$4,100; superintendent of delivery, \$4,700; assistant superintendents of delivery, \$2,800, \$2,900, \$3,100, \$3,500, \$3,900, and \$4,100; foremen, \$2,500, \$2,600, and \$2,700; superintendent of registry, \$4,300; as-

sistant superintendents of registry, \$2,800, \$2,900, \$3,100, \$3,500, and \$4,100; superintendent of money order, \$4,300; assistant superintendent of money order, \$4,100; auditor, \$4,000; postal cashier, \$4,300; assistant cashiers, \$2,600, \$2,800, \$3,100, \$3,300, and \$3,800; money-order cashier, \$3,900; bookkeepers, \$2,400, \$2,600, \$2,800, and \$3,300; station examiners, \$2,600, \$2,800, and \$3,000.

2. In fixing the salaries of the supervisory employees in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office.

Supervisory employees in Washington, D. C., post office.
39 U. S. C. 90.

3. Not more than two assistant postmasters shall be employed at offices where the receipts are \$9,000,000 and upward. At post offices where the receipts are \$14,000,000, but less than \$20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails. Not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are \$9,000,000 and less than \$14,000,000, to which offices two assistant superintendents of mails shall be assigned at the maximum salary, one to be in charge of city delivery.

Limitations as to number of supervisory officials.
39 U. S. C. 87, 91, and 96.

4. The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each \$25,000 of postal receipts shall be considered equal to one additional employee: *Provided*, That in determining the number of employees at a classified station credit shall be allowed for service performed by regular employees, substitute employees other than those serving in lieu of regular employees absent from duty for any cause and temporary employees assigned to the station, and for each 2,448 hours of service performed by such employees the station superintendent shall be allowed credit for one employee.

39 U. S. C. 93, Supp. V.

39 U. S. C. 94.

5. At classified stations the salary of the superintendent shall be as follows:

One and not exceeding five employees, \$2,400.

Six and not exceeding eighteen employees, \$2,500.

Nineteen and not exceeding thirty-two employees, \$2,600.

Thirty-three and not exceeding forty-four employees, \$2,700.

Forty-five and not exceeding sixty-four employees, \$2,800.

Sixty-five and not exceeding ninety employees, \$2,900.

Ninety-one and not exceeding one hundred and twenty employees, \$3,000.

One hundred and twenty-one and not exceeding one hundred and fifty employees, \$3,100.

One hundred and fifty-one and not exceeding three hundred and fifty employees, \$3,300.

Three hundred and fifty-one and not exceeding five hundred employees, \$3,500.

Five hundred and one or more employees, \$3,800.

39 U. S. C. 95.

6. At classified stations having forty-five or more employees there shall be assistant superintendents of stations with salaries as follows:

Forty-five and not exceeding sixty-four employees, \$2,400.

Sixty-five and not exceeding ninety employees, \$2,500.

Ninety-one and not exceeding one hundred and twenty employees, \$2,600.

One hundred and twenty-one and not exceeding one hundred and fifty employees, \$2,700.

One hundred and fifty-one and not exceeding three hundred and fifty employees, \$2,900.

Three hundred and fifty-one and not exceeding five hundred employees, \$3,100.

Five hundred and one employees and upward, \$3,400.

39 U. S. C. 92,
97, 98.

7. At State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than \$500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of \$200 per annum; if receipts are \$500,000 and less than \$5,000,000, the postal cashier shall be allowed an increase of \$200 per annum. At all central accounting offices where the

bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office. When an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts. No employee in the supervisory grades shall receive a salary less than \$100 more than that paid to the highest grade of clerk or special clerk.

8. There shall be two grades of special clerks, as follows: 39 U. S. C. 110.

First grade—salary, \$2,200.

Second grade—salary, \$2,300.

* * *. In all special clerk promotions the senior competent employee shall have preference.

452. Clerks in first- and second-class post offices * * * shall be divided into five grades as follows:

First grade—salary, \$1,700.

Second grade—salary, \$1,800.

Third grade—salary, \$1,900.

Fourth grade—salary, \$2,000.

Fifth grade—salary, \$2,100.

Clerks and other employees in first- and second-class offices. 39 U. S. C. 103. Clerks shall be divided into grades.

2. Substitute clerks in first- and second-class post offices * * * when appointed regular clerks * * * shall have credit for actual time served, including time served as special-delivery messengers, on a basis of one year for each three hundred and six days of eight hours served as substitute or messenger, and shall be appointed to the grade to which such clerk * * * would have progressed had his original appointment as substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk or carrier in the city delivery service in determining eligibility for promotion to the next higher grade following appointment to a regular position.

Substitutes. 39 U. S. C. 104.

3. Printers, mechanics, and skilled laborers, employees of the United States stamped-envelope agency at Dayton, Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force. 39 U. S. C. 821.

Watchmen,
messengers,
and laborers.
39 U. S. C. 101.

4. Messengers, watchmen, and laborers in first- and second-class post offices shall be divided into two grades, as follows:

First grade—salary, \$1,500.

Second grade—salary, \$1,600.

Watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1. The pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour.

Clerks shall
be promoted
successively.
39 U. S. C. 108.

5. Clerks in first- and second-class post offices * * * shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

39 U. S. C. 101.
Supp. V.

6. Whenever any substitute laborer, watchman, or messenger is appointed to a permanent position as laborer, watchman, or messenger, the substitute service performed by such laborer, watchman, or messenger shall be computed in determining the eligibility of such person for promotion to grade 2 on the basis of 306 days of 8 hours constituting a year's service. * * * Any fractional part of a year's substitute service will be included with service as a regular laborer, watchman, or messenger in the Postal Service in determining eligibility for promotion to the next higher grade following appointment to a regular position.

—may be re-
duced in grade.
Restoration to
former grade
not to be con-
strued as a
promotion.
39 U. S. C. 109
and 121.

7. * * * The Post Office Department may reduce a clerk * * * from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline * * *. Whenever an employee provided for in this chapter shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year.

8. Whenever the promotion of an employee provided for in this chapter is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. Clerks * * * of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post offices.

—may be promoted at the beginning of second or subsequent quarter, when.
—eligible for promotion to higher positions.
39 U. S. C. 109, and 123.

9. The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged. The time which any clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: *Provided*, That no clerk * * * shall be promoted more than one grade within any one year's period of service.

Clerk may be transferred to carrier and carrier to clerk.
39 U. S. C. 129 and 130.

10. The pay of substitute, temporary, or auxiliary clerks at first- and second-class post offices * * * shall be at the rate of 65 cents per hour.

Compensation of substitute, temporary, or auxiliary clerks.
39 U. S. C. 113.
Ratio of substitutes.
39 U. S. C. 834, Supp. V.

11. The ratio of * * * classified substitute post-office clerks, * * *, classified substitute laborers, watchmen, and messengers, * * *, to regular * * *, post-office clerks, * * *, laborers, watchmen, and messengers, * * *, shall be not more than one classified substitute to six regular employees, or fraction thereof, respectively, except that in offices having fewer than six regular employees there may be one substitute clerk * * *: *Provided*, That where the ratio of substitutes is now in excess of these ratios, no additional classified substitutes shall be appointed until these ratios are established: *Provided further*, That the provisions of this section shall not operate to furlough or dismiss (1) any classified substitute * * *, post-office clerks, * * *, or laborers, watchmen, or messengers; * * *.

See section 907 as to substitute carriers in the City Delivery Service.

Motor-vehicle employees.
Classification.
39 U. S. C. 116,
Supp. V.

453. (a) Employees in the motor-vehicle service shall be classified as follows: Superintendents, \$2,400, \$2,600, \$2,800, \$3,000, \$3,400, \$3,600, \$3,800, and \$4,000 per annum: *Provided*, That at offices where the receipts are \$20,000,000 and up, the salaries shall be \$4,300 per annum; assistant superintendents, \$2,500, \$2,600, and \$2,800 per annum; chiefs of record, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, \$2,800, and \$3,000; chiefs of supplies, \$2,200, \$2,300, and \$2,400; chief dispatchers, \$2,300 and \$2,500; route supervisors, \$2,400, \$2,500, and \$2,600; dispatchers, \$2,100, \$2,200, and \$2,300; chief mechanics, \$2,400, \$2,500, \$2,600, \$2,800, and \$3,000; mechanics in charge, \$2,200, \$2,300, and \$2,400; and special mechanics, \$2,100, \$2,200, and \$2,300; *Provided*, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than \$3,000 per annum. General mechanics employed in the motor-vehicle service shall be divided into three grades: First grade, salary \$1,900; second grade, salary \$2,000; third grade, salary \$2,100; and clerks employed in the motor-vehicle service shall be divided into five grades, as follows: First grade, salary \$1,700; second grade, salary \$1,800; third grade, salary \$1,900; fourth grade, salary \$2,000; fifth grade, salary \$2,100. * * * At first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary \$2,200; grade 2, salary \$2,300. * * *

Promotion.

(b) General mechanics employed in the motor-vehicle service shall be promoted successsively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, * * *, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

Mechanics' helpers.
39 U. S. C. 116,
Supp. V.

2. The salary grades of mechanics' helpers employed in the motor-vehicle service shall be \$1,600, \$1,700, and \$1,800 per annum: *Provided*, That original appointments shall be made to the \$1,600 grade, and promotions shall be made to the next higher grade at the beginning of a quarter following one year's satisfactory service in each grade: *Provided further*, That after one year's

service in the \$1,800 grade mechanics' helpers may in the discretion of the Postmaster General be promoted to the first grade of general mechanics or special mechanics, as vacancies occur.

3. Driver-mechanics employed in the motor-vehicle service shall be divided into five grades: First grade, salary \$1,600; second grade, salary \$1,700; third grade, salary \$1,800; fourth grade, salary \$1,900; fifth grade, salary \$2,000; and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary \$1,550; second grade, salary \$1,650. In the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5. Driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade * * *. Garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade * * *, and promotions of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

4. (a) The pay of substitute, temporary, or auxiliary employees in the Motor Vehicle Service shall be as follows: Special mechanics at the rate of 75 cents per hour; general mechanics at the rate of 70 cents per hour; clerks and driver-mechanics at the rate of 65 cents per hour; and garagemen-drivers at the rate of 55 cents per hour.

The ratio * * * of classified substitutes in the Motor Vehicle Service, to regular * * * employees of the Motor Vehicle Service, shall be not more than one classified substitute to six regular employees, or fraction thereof, * * * except that in offices having fewer than six regular employees there may be * * * one

Driver-mechanics.
39 U. S. C. 116.

Garagemen-drivers.

Substitutes,
pay.
39 U. S. C. 116.

Ratio of substitutes.
39 U. S. C. 834,
Supp. V.

substitute in the Motor Vehicle Service: *Provided*, That where the ratio of substitutes is now in excess of these ratios, no additional classified substitutes shall be appointed until these ratios are established: *Provided further*, That the provisions of this section shall not operate to furlough or dismiss * * * any classified substitutes in the Motor Vehicle Service.

Regular
appointment.
39 U. S. C. 104,
Supp. V.

(b) Substitute clerks, substitute garagemen-drivers, substitute driver-mechanics, and substitute general mechanics, when appointed regular clerks, garagemen-drivers, driver-mechanics, or general mechanics in the motor-vehicle service, and substitutes in the pneumatic-tube service when appointed as regular employees in the pneumatic-tube service, shall be given credit for the actual time served as a substitute on the basis of one year for each three hundred and six days of eight hours, and shall be appointed to the grade to which such clerk, garageman-driver, driver-mechanic, general mechanic, or employee in the pneumatic-tube service, would have progressed had his original appointment as a substitute been made to grade one. Substitute service shall be computed from the date of original appointment as a regular classified substitute, and the salaries of the employees shall be fixed accordingly upon the date of their advancement to a regular position under section 116 of this title. Any fractional part of a year's substitute service, rendered after the enactment of this sentence, shall be included with his service as a regular clerk, garageman-driver, driver-mechanic, or general mechanic in the motor-vehicle service, or employee in the pneumatic-tube service, in determining eligibility for promotion to the next higher grade following appointment to a regular position.

Promotions.
39 U. S. C. 116.

5. (a) Clerks and general mechanics in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade, to the next higher grade, until they receive the maximum pay prescribed for clerks and general mechanics in this section. In computing one year's satisfactory service, employees shall receive credit for time served in the grades established by the Postmaster General prior to January 1, 1925, as well as the grades created by this section, and

the compensation of employees in the motor-vehicle service on January 1, 1925, shall be adjusted accordingly.

(b) In making promotions after one year's satisfactory service since the last promotion, clerks, general mechanics, driver-mechanics, and garagemen-drivers in the motor-vehicle service, who have been transferred from one post office to another and who have not reached the maximum grade to which they are entitled to progress automatically, shall be given credit for previous service in the same capacity at other post offices, the same as if all service had been performed at one post office.

454. Under civil-service rule 2 all the employees of post offices of the first and second classes shall be included in the classified postal service, but no officer or employee in any office advanced to these classes or consolidated with an office of these classes shall be classified under the terms of this rule who fails to establish to the satisfaction of the Postmaster General his or her capacity for efficient service in the position held.

Classified civil service.
—all employees of first and second class offices included in.
—efficiency a requisite.

2. No officer or employee of the Government shall, directly or indirectly, instruct or be concerned in any manner in the instruction of any person or classes of persons, with a view to their special preparation for the examinations of the United States Civil Service Commission. The fact that any officer or employee is found so engaged shall be considered sufficient cause for his removal from the service.

Officer or employee shall not instruct for examinations.

3. The probationary period of six months for persons appointed in the post office service shall begin with the date of appointment as a regular substitute and terminate on the basis of 1,224 hours of actual service performed, or, where the appointment is made direct from a register to the position of regular clerk, carrier, or other regular employee, on the basis of six calendar months from date of appointment.

Beginning of probationary period.

4. On and after February 1, 1939, the probationary period is fixed at 1 year and shall begin with the date of appointment as regular substitute and terminate on the basis of 2,448 hours of actual service performed, or, where the appointment is made direct from the register to the position of regular clerk, carrier, or other regular employee, on the basis of one year or 12 calendar months from the date of appointment.

455. The number, grades, and salaries of clerks and other employees at post offices of the first and second classes, where allowance for clerk hire is made, shall be fixed by the First Assistant Postmaster General. All allowances for clerks shall continue from year to year unless otherwise ordered. (See sec. 228.)

Appointment of clerks in post offices of first and second classes.

Allowances to continue, except.

2. At post offices embraced in the classified Postal Service under the civil service act (see sec. 454) appointments shall be made under the civil-service rules from the eligible list furnished by the Civil Service Commission.

Appointments under civil-service rules.

Temporary appointments.

Approval of First Assistant Postmaster General.

Appointments and changes to be certified to General Accounting Office.

Superintendents of mails.
—how appointed.

—subject to postmaster.

—duties of. Dispatch and receipt of mails.

Case examinations. Errors.

Suspension and demeriting of clerks.
—postmasters to obtain authority for, except.

3. When at any post office in the classified service there is not a complete list of eligibles, temporary appointments may be made.

4. Postmasters shall make no appointments to fill vacancies, or original appointments of clerks or other employees who are paid from the clerk-hire allowances made by the Post Office Department, without first submitting a nomination to the First Assistant Postmaster General, Division of Post Office Service, and receiving his approval thereof.

5. All appointments of clerks and changes in grade or compensation shall be reported to the General Accounting Office by the First Assistant Postmaster General; and no payment on account of salaries of clerks shall be allowed, except where such payments are made to persons employed by authority of the First Assistant Postmaster General.

See sec. 19 as to preference to be given to honorably discharged soldiers, sailors, and marines, their widows and orphans. See sec. 49 on reinstatements.

456. When it is deemed necessary at any post office of the first class, the Postmaster General will appoint from the classified postal service a superintendent of mails, who shall be selected by the First Assistant Postmaster General.

2. The superintendent of mails shall be subject to the direction of the postmaster at the office where he is employed, and is charged with the supervision of the distribution and dispatch of all mails from the post office; the preparation and correction from time to time of all necessary schemes or lists for distribution, subject to the approval of the division superintendent of Railway Mail Service; the conduct of the case examinations prescribed in section 462; the keeping of a record of all errors and irregularities checked by or against each clerk under his charge; and the examination of all slips returned to the post office in which errors are noted, comparing the same with the schemes and orders, making a record thereof, and returning them to the respective clerks by whom the distribution was made, or, in case checks were erroneously made, to the division superintendent of Railway Mail Service, in order that proper credit may be given.

457. Postmasters shall not suspend post-office employees in the classified civil service without authority from the First Assistant Postmaster General (or, in the case of employees in the motor-vehicle service, the Fourth Assistant Postmaster General), except when the postmaster has good reason to believe that an employee has committed an offense involving moral turpitude or tending to bring the department or the service into disrepute or disrespect and rendering immediate suspension from duty imperative. Where, as the result of an investigation by a post-office inspector, it appears that an employee should be suspended, the inspector shall promptly report by telegraph to the chief inspector the essential facts and the action taken by the postmaster. In all other cases the postmaster shall promptly report by telegraph to the First Assistant Postmaster General, or to the Fourth Assistant Postmaster General in the case of employees in the motor-

vehicle service, the essential facts together with the action taken or recommended.

2. In cases where removal or reduction would not be warranted, but where disciplinary action is necessary, the postmasters shall recommend that the offending employees be demerited as provided for in the rules governing service rating records.

See sec. 43 as to reductions and removals.

458. Postmasters at offices of the first and second classes shall require the clerks at their offices to take their leaves at such times and in such order as will least interfere with the service, and the business of the office shall be so arranged that it can be carried on during the absence of the clerks on leave without the employment of temporary clerks.

Leaves of absence for clerks.—postmasters to arrange for.

2. Where leaves cannot, however, be granted without serious embarrassment to the service, authority may be obtained from the First Assistant Postmaster General to employ substitutes at the rate of pay prescribed by law. (See sec. 452 as to rate of pay.)

When substitutes may be employed.

3. Postmasters may, in addition to leave of absence with pay, provided by law, grant leave of absence without pay to employees for personal reasons, such leave not to exceed 30 days in any case during any one fiscal year. Application for leave of absence for a period longer than 30 days shall be submitted to the First Assistant Postmaster General with a full statement of the facts. An employee shall not be allowed to start on such leave until formal approval has been received.

Leave of absence without pay.

4. A postal employee shall not be separated from the service on account of illness for a period less than one year. A postmaster may, without specific approval from the department, upon written application of an employee of his office, accompanied with proper physician's certificate, grant leave without pay on account of personal illness of the employee concerned in 30-day periods for a total not to exceed one year's continuous absence. Each new application shall be accompanied with a physician's certificate. An employee who has been absent from duty for three months or longer shall not be permitted to return to duty unless he produces a physician's certificate to the effect that he is restored to health and is able to perform the duties to which he is assigned. Postmasters shall exercise care not to permit an employee to return to duty for the mere purpose of breaking the continuity of his absence. At the expiration of one year's continuous absence the employee may be dropped without prejudice. However, an employee who has been absent for one year on account of illness and has enough service to his credit to entitle him to retirement under section 6 of the act of May 29, 1930, shall not be separated from the service until he has been given an opportunity to retire.

Method of granting leave on account of personal illness.

5. An employee who is injured in the performance of his duties and is being paid compensation under the Federal Com-

pensation Act of September 7, 1916, shall not be separated from the service, but shall be continued on the rolls of the office without pay until the United States Employees' Compensation Commission discontinues his compensation unless the retirement age is reached while he is receiving compensation. When retirement age is reached, and having a retirement status (at least 15 years of allowable service) such employee shall be dropped from the post-office rolls regardless of the fact that he is receiving compensation from the United States Employees' Compensation Commission. Employees shall receive credit in connection with their retirement status for periods during which they receive compensation from the commission. When compensation is discontinued by the commission and the employee is unable to return to duty, but has sufficient service to his credit to entitle him to retirement on account of physical disability (at least 5 years of allowable service), he shall not be separated from the service until he has been given an opportunity to retire in accordance with the act of May 29, 1930.

See sec. 44 as to laws covering leaves of absence of employees in the Postal Service; sec. 445 as to postmasters; secs. 23 and 24 as to employees of the Post Office Department; secs. 46, 47, and 48 as to military duty, and sec. 982 as to leaves of absence of rural carriers.

Employment and payment of substitute when clerk is absent on other than annual leave.
39 U. S. C. 124.

459. When any clerk in post offices of the first or second class, or any letter carrier in the City Free Delivery Service, is absent from duty from any cause, other than the fifteen days' annual leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk, or letter carrier, at a rate not to exceed the pay of the grade of work performed by such substitute.

See secs. 452 and 907 for statutory authority for rate of pay of substitute clerks in post offices and substitute carriers.

Substitutes for clerks subpoenaed as witnesses.

460. When clerks in first- and second-class post offices are subpoenaed as witnesses in the United States courts, allowances for substitutes to take the place of the absent clerks may be authorized by the First Assistant Postmaster General at the rate of 65 cents an hour, to be paid out of the appropriation for temporary and auxiliary clerk hire.

Temporary clerks.
—application for.

461. When postmasters at offices of the first and second classes cannot satisfactorily perform the work of their offices with the regular force at holiday or election periods, or at any other time, on account of unusual conditions, they should report such fact to the First Assistant Postmaster General, Division of Post Office Service, with a statement as to what temporary clerks are needed to meet such emergency; and if the facts justify the same the First Assistant Postmaster General may authorize the employment of temporary clerks.

—may be authorized when.

462. At offices of the first class having a superintendent of mails all clerks regularly assigned (at least once each week) to the distribution of mail, either incoming or outgoing, shall be examined yearly on the distribution schemes in use in their offices. Such examinations shall be conducted by the superintendent of mails.

Examination of distributing clerks.
—what examination to consist of.

2. At first-class offices not having a superintendent of mails and at second-class offices all clerks, including assistant postmasters, assigned to the distribution of mail one hour or more daily, or who from time to time are assigned to assist in distribution during rush hours or periods of congestion, shall be examined once yearly on the distribution schemes in use in their offices, if conditions require that dispatching clerks have a knowledge of scheme distribution. Chief clerks of the Railway Mail Service will determine the necessity for and conduct such examinations on dispatching schemes and the postmaster or assistant postmaster shall conduct such examinations on city schemes.

3. A record shall be kept of the number of cards distributed per minute and the number of errors made.

4. Clerks engaged in distribution shall also be frequently questioned regarding orders affecting the distribution of mail. Incompetent distributing clerks shall not be retained in the service.

5. A record of 95 percent and an average of not less than 16 cards correctly thrown per minute on case examinations shall be required of clerks and special clerks.

6. Clerks, including special clerks, past 60 years of age or who have been in the service 30 years, shall be exempt from case examination. However, any distributor, regardless of age or length of service, who permits himself to become inefficient in the performance of his duties shall be required to again qualify by passing a satisfactory scheme examination.

463. The appointment of clerks, city, and village letter carriers in post offices as secretaries or as members of boards of civil-service examiners, as provided by Civil Service Rule IV, shall not affect their relations to the Post Office Department. They shall continue subordinate to the postmaster and shall not absent themselves from their duties as post-office employees to attend meetings of the board or to transact the business of the Civil Service Commission without special authority from him.

Clerks serving on civil-service boards.

—not to affect relations to post office.

—to apply to postmaster for permission to attend meetings.

—to be under direction of Civil Service Commission.

2. Clerks, and city and village letter carriers who are members of boards of civil-service examiners are, while in the performance of their duties as such, under the direction of the Civil Service Commission. Unless the entire time of such employees each day is taken up in the performance of civil-service work, the employees, when employed only part time on civil-service work, shall render faithful and efficient service as post-office employees during the remainder of their daily official tour, and shall not neglect their duties under the pretext of performing service for the Civil Service Commission.

—not to neglect duties as clerks.

3. Postmasters shall allow clerks, city, and village letter carriers who are members of the local board of civil-service examiners ample time to attend to their duties as members of such

Postmasters to facilitate work of civil-service boards.

boards during the regular office hours, upon proper notice and application, and shall in every way facilitate the work of the Civil Service Commission.

Hours of service of clerks, watchmen, messengers, and laborers.
39 U. S. C. 117.

464. Special clerks, clerks, and laborers, in the first- and second-class post offices * * * shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

—in emergency cases.

2. In cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers, in first- and second-class post offices * * * can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees. In computing compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in section 119 of this title, the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service.

—compensatory time.

39 U. S. C. 118.

3. When the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks * * * watchmen, messengers, or laborers at first- and second-class post offices they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

See sec. 437 for enumeration of holidays.

—watchmen and messengers.
1913, July 2;
40 Stat. 753.

4. Watchmen, messengers * * * in first- and second-class post offices shall be required to work not more than eight hours a day, and * * * the eight hours of service shall not extend over a longer period than ten consecutive hours.

5. Laborers shall not be assigned to clerical duties. The work to which laborers shall be assigned consists of loading and unloading motor trucks, trucking mail in the office, setting up and taking down bag racks, dumping mail, making simple distribution of parcels by numbers where no scheme knowledge or reading of addresses is involved, operating canceling machines, cleaning and oiling canceling machines, conveyors, etc., carrying mail from canceling machines to distribution cases and from letter drops to facing tables, handling empty pouches and sacks, and such other similar work as the postmaster may direct.

Laborers' duties.

6. At offices supplied with time recorders the recorders shall be used by clerks, carriers, and all other employees (except assistant postmasters, cashiers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of vehicle service, and superintendents of registry) in reporting for duty, on leaving for and returning from trips or meals, and at the close of their tours of duty. The record taken from the time recorder shall constitute the official time record, and all other methods of time keeping (except carriers' trip reports) shall be discontinued. At post offices not equipped with time recorders the prescribed form shall be used in keeping the time of employees.

—time recorders.

7. Dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duties of the employees shall be regulated accordingly. In cases of emergency, or if the needs of the service require, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees. In computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in the Act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. When the needs

Motor-vehicle employees.
39 U. S. C. 116,
Supp. V.
1940, Public No.
823. Oct. 9.

of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays.

**Saturday
service.**
—compensa-
tory time.
39 U. S. C. 832,
Supp. V.

465. When the needs of the service require supervisory employees, special clerks, clerks, laborers, watchmen, and messengers in first- and second-class post offices, and employees of the motor-vehicle and pneumatic-tube services * * * cleaners, janitors, telephone operators, and elevator conductors, paid from appropriations of the First Assistant Postmaster General; * * * to perform service on Saturday they shall be allowed compensatory time for such service on 1 day within 5 working days next succeeding the Saturday on which the excess service was performed: *Provided,* That employees who are granted compensatory time on Saturday for work performed the preceding Sunday or the preceding holiday shall be given the benefits of this section on 1 day within 5 working days following the Saturday when such compensatory time was granted: *Provided further,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Saturdays in the calendar year in lieu of compensatory time, except cleaners, janitors, telephone operators, and elevator conductors paid from the appropriation of the First Assistant Postmaster General, * * * who shall be given compensatory time in lieu of overtime pay within 30 days next succeeding: * * *.

See section 925 as to carriers in the City Delivery Service and section 959 as to carriers in the Village Delivery Service.

2. Assistant postmasters at first- and second-class post offices are included in the term "supervisory employees."

466. * * * supervisory employees, special clerks, clerks, substitute clerks, watchmen, messengers, laborers, and employees of the motor-vehicle and pneumatic-tube services in first- and second-class post offices * * *, who are required to perform night work, shall be paid extra for such work at the rate of 10 per centum of their hourly pay per hour: *Provided*, That night work is defined as any work done between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian.

Night work.
—compensation.
59 U. S. C. 828,
Supp. V.

NOTE.—This law is applicable to all regular employees at first- and second-class post offices, including assistant postmasters, substitute employees, and temporary substitute employees, but does not include special-delivery messengers and cleaners or janitors employed on job work and receiving less than \$720 per annum. (See sec. 926 as to carriers, substitute carriers, and temporary substitute carriers, and the Postal Guide for method of computing the amount to be paid.)

Note.

467. Supervisory employees at first- and second-class post offices shall not be permitted before, during, or after their official tours of duty to engage in any outside employment, such as general business, the professions, or any regular trade or vocation. Employees below the rank of supervisor, except substitute employees shall not engage in any business or vocation that will interfere with their official duties nor in which their employment in the postal service will give them an advantage over others not in the service engaged in a similar business or vocation. No postmaster or employee shall engage in any business involving soliciting or canvassing.

Outside employment.

468. Postmasters at offices of the third class shall be granted for clerk hire an allowance of \$240 per annum where the salary of the postmaster is \$1,100 per annum; an allowance of \$330 per annum where the salary of the postmaster is \$1,200 per annum; an allowance of \$420 per annum where the salary of the postmaster is \$1,300 per annum; an allowance of \$510 per annum where the salary of the postmaster is \$1,400 per annum; an allowance of \$600 per annum where the salary of the postmaster is \$1,500 per annum; an allowance of \$690 per annum where the salary of the postmaster is \$1,600 per annum; an allowance of \$780 per annum where the salary of the postmaster is \$1,700 per annum; an allowance of \$870 per annum where the salary of the postmaster is \$1,800 per annum; an allowance of \$960 per annum where the salary of the postmaster is \$1,900 per annum; an allowance of \$1,050 per annum where the salary of the postmaster is \$2,000 per annum; an allowance of \$1,140 per annum where the salary of the postmaster is \$2,100 per annum; an allowance of \$1,400 per annum where the salary of

**Clerical services
at third-class
offices.**
39 U. S. C. 81.

the postmaster is \$2,200 per annum; an allowance of \$1,600 per annum where the salary of the postmaster is \$2,300 per annum. The Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per centum: *Provided, however*, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class.

Allowances;
what to cover.
39 U. S. C. 83.

2. The allowances for clerk hire made to postmasters of the * * * third-class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law.

Allowances for
clerk hire at
distributing
offices of third
and fourth
classes.
39 U. S. C. 82.

469. The Postmaster General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

Additional com-
pensation in
lieu of allow-
ance for cler-
ical services of
fourth-class
postmasters.
39 U. S. C. 58.

2. The Postmaster General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of an allowance for clerical services for this purpose.

Note.

NOTE.—Postmasters of the third class shall furnish vouchers signed by the clerk to whom payments are made under the provisions of paragraph 1.

—applications
for.

3. Applications for allowances for clerical assistance at separating offices of the third and fourth classes shall be made to the First Assistant Postmaster General, Division of Post Office Service, stating the amount of mail handled for other offices and the reasons why help is necessary in order to attend properly to such distribution.

—at post offices
of third and
fourth classes
located at
intersection of
mail routes.

4. Post offices of the third and fourth classes located at the intersection of mail routes may be allowed clerk hire out of the appropriation for separating mails, upon the application of the postmaster. Such allowances shall be based upon the average amount of ordinary mail in transit daily, and the average number of registry pieces in transit monthly, one registry transit being regarded as equivalent to 30 pieces of ordinary mail.

Allowances for
separating
mails.

5. Allowances for separating mails shall be made substantially in accordance with the following scale, and in no case shall the

allowance exceed the maximum amount fixed under the scale, but it shall be graded according to the condition of the appropriation for separating mails and for clerk hire for third-class post offices.

6. Where the average number of pieces of mail separated daily amounts to 34 and is not in excess of 66 pieces, the annual allowance shall not exceed \$36. For each increase of 33 pieces in the average number separated daily, not to exceed \$12 additional may be allowed annually until the average number of pieces separated daily amounts to 600 pieces. For each increase of 50 pieces in the average number separated daily above 601, \$12 additional may be allowed annually, as follows:

Scale of allowances.

From 34 to 66 pieces.....	\$36 per annum.
From 67 to 100 pieces.....	48 per annum.
From 101 to 133 pieces.....	60 per annum.
From 134 to 166 pieces.....	72 per annum.
From 167 to 200 pieces.....	84 per annum.
From 201 to 233 pieces.....	96 per annum.
From 234 to 266 pieces.....	108 per annum.
From 267 to 300 pieces.....	120 per annum.
From 301 to 333 pieces.....	132 per annum.
From 334 to 366 pieces.....	144 per annum.
From 367 to 400 pieces.....	156 per annum.
From 401 to 433 pieces.....	168 per annum.
From 434 to 466 pieces.....	180 per annum.
From 467 to 500 pieces.....	192 per annum.
From 501 to 533 pieces.....	204 per annum.
From 534 to 566 pieces.....	216 per annum.
From 567 to 600 pieces.....	228 per annum.
From 601 to 650 pieces.....	240 per annum.
From 651 to 700 pieces.....	252 per annum.

470. Whenever unusual business accrues at any post office, the Postmaster General shall make a special order allowing reasonable compensation for clerical service, * * *.

Allowances for clerical assistance where unusual business accrues.
39 U. S. C. 133.
—applications for.

2. Applications for allowances for clerk hire on account of unusual conditions at third- and fourth-class post offices shall be made to the First Assistant Postmaster General, Division of Post Office Service, and allowances may be granted when it is shown that the salary of the office (or the commissions on cancellations and regular clerk hire at third-class offices) is not sufficient compensation for the work performed, and where, by reason of the unusual conditions, clerical assistance is employed that would not be necessary under usual conditions.

471. When an allowance is made for clerical assistance at any post office of the third or fourth class, the postmaster may employ any responsible and trustworthy person who is competent and can take the oath of office. (See sec. 30.) No report of the

Employment under allowances for separating mails, etc.

person employed need be made to the Post Office Department.
(See sec. 468.)

See sec. 267 as to vouchers to be filed with the General Accounting Office for payments out of allowances for separating mails, etc.

Bonds of officials and clerks in post offices.
39 U. S. C. 132.
—when required.
—penalty of.
—what to cover.

472. Assistant postmasters and cashiers at first-, second-, and third-class post offices, and when deemed necessary by the Postmaster General for the better protection of the interests of the Government any other employees in such offices, shall, before entering upon the duties of their office, give bond to the United States with good and approved security, and in such penalty as the Postmaster General shall prescribe, conditioned for the faithful discharge of all duties and trusts imposed upon them either by law or the rules and regulations of the Post Office Department.

Note.

NOTE.—Cashiers are allowed only at first-class post offices.
See sec. 68 as to release from suretyship and approval of new bond.

Clerks in post offices required to give bond.

473. All employees of first and second class post offices and assistant postmasters at first-, second-, and third-class offices shall furnish bonds executed to the United States in accordance with the forms prescribed by the department.

Bonds to cover all duties imposed.

2. The bonds given to the United States by clerks and employees in post offices under their roster designation shall apply to and cover the faithful discharge of all duties and trusts imposed upon them, and the due accounting of all moneys which may come into their possession while performing the duties of any other clerk or employee or of any position under any other roster designation or classification whatever.

Amount of bond.

3. The amount of bond in each instance shall be fixed by the postmaster, based according to financial responsibility upon the amount as fixed by the department in the schedule printed in the Official Postal Guide. If at any time the financial responsibility of an employee is increased, postmasters shall see to it that the amount of bond is correspondingly increased. Postmasters shall require all such bonds to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; to examine the sufficiency of the amount thereof and approve or fix said amount at least once in two years and oftener as they may deem it necessary. When the financial responsibility of the employee is increased, the postmaster shall require such employee to furnish a new bond in an ample amount consistent with the financial responsibility or trust imposed on the employee.
(See secs. 68 and 69.)

Postmasters may negotiate rates.

4. Postmasters may represent the employees of their offices in negotiating premium rates with surety companies, but shall not solicit or accept commissions from such companies, nor seek to compel their clerks to do business with any particular company.

5. Bonds of assistant postmasters at first-, second-, and third-class offices and other employees at first-, and second-class offices (except regular and substitute rural carriers) may be accepted by the postmaster for and on behalf of the Postmaster General. After approval of a bond postmasters shall require the name of the surety and bonding company and amount of surety thereunder to be entered on each employee's roster card. All bonds shall be filed in alphabetical order and in a place safe from the destruction by fire and protected from unauthorized access or withdrawal.

Bonds may be accepted by postmasters in behalf of Postmaster General.

6. It shall be the duty of postmasters at first-, second-, and third-class post offices to see that only clerks and employees who are under bond are permitted to handle money, stamps, registered mail, and other valuable matter, and postmasters will be held responsible for any losses of such matter chargeable to an unbonded employee intrusted with such matter in disregard of this provision.

Only bonded employees permitted to handle money and valuable matter.

7. Assistant postmasters (and clerks who perform the duties of the postmaster in his absence) at third-class post offices shall give bond to the United States. Assistant postmasters and clerks at fourth-class post offices shall not be required to furnish bond to the United States; neither shall clerks at third-class offices who do not handle money, stamps, registered mail, or other valuable matter, be required to furnish bond to the United States, but such clerks and assistant postmasters at fourth-class post offices may be required to give bond in favor of the postmaster if he so desires. Postmasters will be held responsible for any losses of money, stamps, registered mail, or other valuable matter chargeable to an unbonded employee, regardless of the class of the office.

Bonds of clerks and assistant postmasters, third- and fourth-class offices.

Postmaster held responsible for losses chargeable to unbonded employee.

NOTES.—The taking of bonds by the United States directly from assistant postmasters and clerks in post offices does not in anywise affect the liability of postmasters upon their official bonds for the proper discharge of all the duties of their office and the due accounting for all public funds which may be in, or come into, their custody as postmaster; and postmasters and their sureties are responsible on their official bonds to the same extent as theretofore for the defaults and defalcations of their subordinates. The bonds taken from assistants and clerks in post offices are simply additional security of which the United States may avail itself in case of loss.

Note.

Money received by a clerk in a post office is, in contemplation of law, received into the official custody of the postmaster; and the fact that such money is embezzled by the clerk does not constitute a defense to an action to recover. (*Bryan v. U. S.*, 90 Fed. Rep. 473, 474, citing opinions of the United States Supreme Court; and *Pond v. U. S.*, 111 Fed. Rep. 992.)

8. Assistant postmasters, other supervisory officers, clerks, printers, mechanics, laborers, and employees of the motor-vehicle service, when transferred from one post office to another, will not be required to furnish new bonds if the bonds covering them are executed on Form 1117, as this form covers an employee in any post office to which he may be transferred. The bonds should be forwarded promptly to the postmaster at which office the employee has been assigned. Substitutes promoted to a regular position or a clerk transferred to a carrier, or vice versa, need not file new bonds unless, in the opinion of the postmaster, the increased responsibility of the employee demands that a new bond shall be furnished.

New bonds on transfer of employee, when required.

CHAPTER 5

LEASES, ALLOWANCES, AND SUPPLIES FOR POST OFFICES

Expenditures for rent, light, and fuel at first, second, and third class offices.
—how authorized.
Rent, light, and fuel.
—applications for allowances.

—expenditures not to exceed amount authorized.

—vouchers to be filed.

Room occupied by other parties not to be rented for post office without approval of department.

Premises rented by department not to be sublet without authority.

Allowance at fourth-class offices.
39 U. S. C. 60a.

Leases for premises for use of post offices.
39 U. S. C. 11.
—term.

474. Such amounts as may be necessary may be allowed by the Postmaster General at post offices of the first, second, and third classes for rent, light, and fuel.

See 39 U. S. C. 11 and 64; also see sec. 228 as to authority for disbursements.

475. Applications for allowances for rent, light, and fuel at offices of the first, second, and third classes shall be addressed to the Fourth Assistant Postmaster General, Division of Post Office Quarters. The amount needed for each item shall be specified.

2. Expenditures for rent, light, and fuel shall not be made unless authorized; and the amount allowed for each item shall not be exceeded. Credit shall only be allowed for the amount actually disbursed, and vouchers therefor shall accompany the quarterly postal account. (See sec. 267.)

3. Postmasters at offices where an allowance is made for rent shall not rent a part of any room or store until a report has been made to the Fourth Assistant Postmaster General and authority received from him for such occupancy. The report shall give a description of the room or store and the class of business carried on by the occupant; what separation there will be between the post office and the other part of the room, and all other necessary information.

4. When the rental for an entire room or store for the use of the post office is paid by the Post Office Department, no portion thereof shall be sublet without the consent of the Fourth Assistant Postmaster General. If any such premises are sublet, the rental received therefor shall be accounted for as part of the revenues of the office. (See secs. 247 and 249.)

5. After July 1, 1928, postmasters of the fourth class shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per centum of the compensation earned in each quarter, such allowances to be paid at the end of each quarter at the same time and in the same manner as their regular compensation.

6. Postmasters at offices of the fourth class shall be paid as an allowance for rent, fuel, light, and equipment an amount equal to 15 percent of the compensation actually allowable and payable for each quarter, as provided in the law of June 4, 1926.

See sec. 426 as to compensation of fourth-class postmasters.

476. (a) The Postmaster General may, in the disbursement of the appropriation for rent, light, and fuel for first-, second-, and third-class post offices, apply a part thereof to the purpose of leasing premises for the

use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 20 years.

(b) The Postmaster General may make monthly payment of rental for post-office premises under lease.

39 U. S. C. 12.

NOTE.—Leases for quarters for the housing of Government-owned automobiles (garages) are limited to a term of not exceeding 10 years. (See act of February 14, 1923, 42 Stat. 1248, and succeeding appropriation acts.)

Note.

(c) The Postmaster General in his discretion may rent quarters for postal purposes without entering into a formal written contract in any case where the amount of the rental does not exceed \$1,000 per annum.

39 U. S. C. 14.

(d) No appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: *Provided*, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, * * *.

Limitation on rental.
40 U. S. C. 40a.

2. Whenever any building or part of a building under lease becomes unfit for use as a post office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post office, or the lease may be canceled, at the option of the Postmaster General.

—no rent to be paid when building unfit for use.
39 U. S. C. 10.

3. Where under the terms of a lease for post-office quarters the lessor is required to provide equipment or to make repairs to building, fixtures, or equipment the postmaster shall submit to the Fourth Assistant Postmaster General, Division of Post Office Quarters, all requests for such equipment or repairs and shall not make demands direct upon the lessor.

—requests for additional equipment.

4. All correspondence relative to the leasing of premises for post offices shall be addressed to the Fourth Assistant Postmaster General, Division of Post Office Quarters.

Correspondence relative to lease.

See sec. 475 as to subletting any portion of post-office premises.

477. Applications for canceling machines at first- and second-class offices and allowances covering the purchase of miscellaneous items at such offices shall be addressed to the Fourth Assist-

Applications for allowances.

ant Postmaster General, Equipment and Supplies Branch, and should show each item or article separately, with the cost of each, and wherever it is possible to do so competitive bids for the necessary supplies shall be obtained and transmitted with the request. Miscellaneous items shall not be purchased locally without first obtaining authority from the Fourth Assistant Postmaster General.

Note.

NOTE.—There is no objection to postmasters procuring canceling machines at their own expense.

Expenditures not to be made without authority.

478. Authorization for expenditures shall specify the allowance for each item and the period covered. Allowances may be made at an annual rate. Credit shall be allowed only for expenditures authorized*and for the amount actually disbursed, and vouchers therefor shall accompany the quarterly postal account. (See sec. 267.)

—vouchers to be filed.

2. Applications for allowances for labor incident to cleaning post office and station quarters, and for telephones, laundering towels, and other service items, shall be addressed to the First Assistant Postmaster General, Division of Post Office Service.

Allowances not made for expenses in making payments or collections.

479. No allowance shall be made to any postmaster for expenses incurred in paying authorized expenditures by money order, check, or otherwise, or in depositing or collecting moneys due the Post Office Department.

Supplies.
—requisitions, how made.

480. Requisitions for supplies, including stationery, general service, and money-order forms and postal-savings certificates, shall be made on such forms and submitted in such manner as may be prescribed by the Fourth Assistant Postmaster General, Equipment and Supplies Branch, through the medium of the Official Postal Guide and through general orders issued from time to time.

Prohibition against leaving devices in post offices for test.

2. Postmasters shall not permit any person or firm to leave or install in post offices or upon post-office premises, for test, approval, or otherwise, any machine, invention, or device, on any pretext whatsoever, without first obtaining specific written authority from the department: *Provided*, That this provision shall not be construed as prohibiting a postmaster, unless he shall be otherwise directed by the Department, from utilizing in his office any typewriter, adding machine, or other office appliance or article purchased at his own expense.

CHAPTER 6

LETTER BOXES, CALL AND LOCK BOXES, AND KEY DEPOSITS

LETTER, CALL, AND LOCK BOXES

Letter drops at offices of third and fourth classes.

481. At third- and fourth-class post offices a slot shall be cut in the outer door of the post office for the deposit of mail. In the event the providing of a slot in the door is not feasible, a letter box shall be provided, so constructed that it will be accessible to

the public at all hours, and the mail therein be properly protected.

482. At post offices of the second and third classes, where the equipment is not provided for by the Post Office Department, it shall be furnished by the postmaster.

Box equipments at offices of second and third classes.

2. Postmasters at offices of the fourth class shall furnish at their own expense such equipment as may be necessary to meet the public demands.

See sec. 475 as to allowances for equipment, etc., at fourth-class offices.

483. Postmasters are not required to purchase the equipment of their predecessors. A retiring postmaster should not remove his equipment to the detriment of the public service, when such equipment is not purchased by his successor, until the latter has had a reasonable time in which to obtain and install other equipment. Where the equipment of a predecessor is used at offices of the second or third classes and is not included in a lease to the Post Office Department, and at offices of the fourth class, the postmaster shall pay from his personal funds a reasonable rental for such equipment, the amount to be agreed upon between the parties interested.

Box equipment of predecessor.
—purchase of, not required.

—when used, rental must be paid.

2. Nonautomatic keyless boxes shall not be installed or used in a post office. Postmasters should provide lock boxes of the key or automatic keyless types.

—key or automatic keyless should be provided.

484. Postmasters may allow box holders who desire to do so to provide lock boxes or drawers for their own use, at their own expense, which lock boxes or drawers, upon their erection in any post office, shall become the property of the United States, and be subject to the direction and control of the Post Office Department, and shall pay a rental at least equal to that of other boxes in the same office, or, if there be no other boxes in such office, of boxes in other offices of the same class, which rental shall be accounted for as other box rents. (See sec. 487.)

Lock boxes may be erected in post offices by patrons.
39 U. S. C. 785.

—to become property of United States.

—rent therefor.

2. The erection of lock boxes and drawers by the patrons of post offices shall be permitted only in cases where it will not result in damage to the other equipment or necessitate such a rearrangement thereof as to make the change detrimental to the service. Applications for authority to erect private boxes or drawers shall be submitted to the First Assistant Postmaster General, Division of Post Office Service.

—only allowed under certain conditions.

3. Postmasters shall not require the patrons of the office to furnish their own lock boxes or drawers or to contribute in anywise, beyond the payment of the regular rental for the use of a box, toward the purchase or maintenance of an equipment of lock, call, or delivery boxes.

Patrons not to be required to furnish boxes or to contribute toward equipment.

485. Box rents shall be collected in accordance with the following schedule, no change in existing rates to be made by post-

Box-rent rates.

masters without authority from the Third Assistant Postmaster General, Division of Finance:

—schedule of.

Gross receipts of post office	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Less than \$500.....	\$0.10	\$0.15	\$0.20	\$0.25	\$0.35	\$0.45	\$0.60
\$500 and less than \$1,900.....	.15	.20	.25	.35	.45	.60	.75
\$1,900 and less than \$5,000.....	.20	.25	.35	.45	.60	.75	1.00
\$5,000 and less than \$10,000.....	.25	.35	.45	.60	.75	1.00	1.50
\$10,000 and less than \$40,000.....	.35	.45	.60	.75	1.00	1.50	2.00
\$40,000 and less than \$100,000.....	.45	.60	.75	1.00	1.50	2.00	3.00
\$100,000 and less than \$300,000.....	.60	.75	1.00	1.50	2.00	3.00	4.00
\$300,000 and less than \$1,000,000.....	.75	1.00	1.50	2.00	3.00	4.00	5.00
\$1,000,000 and less than \$5,000,000.....	1.00	1.50	2.00	3.00	4.00	5.00	6.00
\$5,000,000 and less than \$15,000,000.....	1.50	2.00	3.00	4.00	5.00	6.00	7.00
\$15,000,000 and upward.....	2.00	3.00	4.00	5.00	6.00	7.00	8.00

- No. 1. Less than 225 cubic inches in capacity.
 No. 2. Capacity 225 cubic inches and less than 500 cubic inches.
 No. 3. Capacity 500 cubic inches and less than 900 cubic inches.
 No. 4. Capacity 900 cubic inches and less than 3,000 cubic inches.
 No. 5. Capacity 3,000 cubic inches and upward.

2. Patrons shall not be required to rent either lock or call boxes or lock drawers.

Rent of boxes.
39 U. S. C. 279.

486. No box at any post office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt.

—to be collected for the entire quarter.

2. Box rents shall be collected at the beginning of each quarter for the entire quarter, but no longer. Ten days before the last day of each quarter, postmasters shall place a notice in each rented box that the rent is due and payable on or before the last day of the quarter. If a box holder fails to renew his right to his box on or before the last day of a quarter the box shall then be closed and offered for rent, and the mail placed in the general delivery, unless deliverable by carrier. (See secs. 779 and 783.)

—when taken or used for part of quarter.

3. When a box is rented after the beginning of the quarter the rent to be collected shall be computed by multiplying the number of days remaining in the quarter, including the day on which the box is rented, by the rate and dividing the product by the total number of days in the quarter. A box taken or in use at the beginning of a quarter shall not be rented for a shorter period than one quarter. When a box is surrendered during a quarter no portion of the rental shall be returned, and such box shall not be rerented until the beginning of the following quarter. Boxes shall not be assigned or transferred to others by box holders.

Change of box equipment during quarter.

4. When boxes are removed during a quarter, and no others substituted in their places, a pro rata amount of the rent paid shall be refunded. When box equipments are changed during a

quarter or the equipment is destroyed, boxes bearing the same numbers, if possible, in the new outfit shall be assigned to box holders without payment of additional rental.

5. Lock boxes which cannot be properly locked shall not be rented until repaired; and when a box gets out of repair another one shall be assigned in lieu thereof.

6. Boxes shall not be rented to minors or persons of unsound mind when their parents or guardians, properly entitled to control their mail, object thereto. (See sec. 785.)

7. A box shall not be rented to any person whom the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes (see sec. 598), or for the conduct of a fraudulent or lottery business (see secs. 597 and 601). When it is found that a box is being used for any of these purposes, or that the safety of the mail is endangered by its continued use, the postmaster shall report the facts to the department, which reserves the right to close such box and not refund any portion of the rent paid therefor.

8. Boxes shall not be rented to persons who do not take proper care thereof or who disregard the rules concerning their use.

487. Postmasters at all offices, including those where the box equipment is furnished by the postmaster, shall enter in their quarterly accounts the amount of all rents collected for boxes assigned for that quarter as part of the receipts of the office (see sec. 426), and in case of retirement from office during a quarter the exact amount of box rents collected only shall be reported. When different postmasters serve in the same quarter, the division of the box rents, which are a part of the compensation of the office, shall be adjusted by the General Accounting Office, and proper credits given each postmaster. (See sec. 427.)

2. Box rents shall be debited in the account covering the quarter to which the rental applies, irrespective of the date of collection.

488. Postmasters shall keep in their offices and deliver to their successors a list of box holders, with the number of the box assigned to each, the time during which it has been used, the payments therefor, and the quarter for which rent is prepaid.

2. This record shall be kept at offices of the first, second, and third classes as indicated in the "Box and key register," and at offices of the fourth class in book 1550 C/F. The stubs of box-rent receipts shall be preserved at all offices.

3. When no record is turned over to a postmaster by his predecessor, he shall require box holders to produce receipts or other satisfactory evidence of payment of rent, and allow the use of the boxes for the remainder of the period for which payment has been made.

See secs. 248 to 250 as to accounts of box rents received.

489. Postmasters shall not disclose the names of box holders to any person other than the clerks of their respective post offices and post-office inspectors.

Boxes out of order.

Rent of boxes to minors.

Boxes not to be rented for improper purposes.

Boxes improperly used not to be rented.

Account for receipts from box rents.
—to be rendered at all offices.

Division of box rents.

Record of box holders.
—how kept.

—at first-, second-, and third-class offices.
—at fourth-class offices.

—when not turned over by predecessor, how postmaster to act.

Names of box holders not to be disclosed.

KEY DEPOSITS

Key deposits.
—at what
offices shall be
required.

—amount of.

at what other
offices may be
required.

Return of keys.

Only regular
keys to be used.

**Liability of
postmasters for
key-deposit
funds.**

Use of key-
deposit funds.

**Rules as to key
deposits.**
Payments from
key deposits.

490. Postmasters at post offices located in Federal buildings, and in premises leased by the Government where equipment is furnished by the lessor, and in buildings where lock box equipment is furnished by the Department, shall collect a deposit of 20 cents for each key issued to a renter of a lock box or drawer unless otherwise instructed by the Third Assistant Postmaster General.

2. When specially authorized by the Third Assistant Postmaster General, other postmasters than those at offices named in the preceding paragraph may also collect deposits to secure the return of keys.

3. Renters of lock boxes and drawers to whom keys are issued shall be required to return them, whether a deposit has been made therefor or not, whenever the box or drawer is surrendered.

4. Postmasters shall not permit renters of lock boxes and drawers to use any keys except those regularly issued through the post office.

491. Postmasters shall be held responsible under their official bonds for the safe-keeping of, and due accounting for, all moneys received as deposits for keys.

2. Key-deposit funds are trust funds and shall be held for the redemption of outstanding keys. When forfeited such funds may be used, after permission has been secured from the Third Assistant Postmaster General, to replace keys that have been lost or illegally withheld.

See sec. 130 as to transfer of the key-deposit funds to successor; secs. 105 and 106 as to care of public funds, which will be observed in regard to key-deposit funds; sec. 120 as to deposit of public funds in banks.

492. No postmaster shall be permitted to expend from the key funds of his post office any amount in payment of bills demanded for keys unless such bills contain an itemized statement showing the number and kind of keys furnished for which payment is demanded.

TITLE TEN

TRANSPORTATION OF THE MAILS

CHAPTER 1

POST ROADS AND ESTABLISHMENT OF MAIL SERVICE

1701. 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 and all air routes 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 courthouse 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.

2. All public roads and highways while kept up and maintained as such are post routes.

NOTE.—Prior to the act of March 1, 1884, all post roads were established by specific acts of Congress; but inasmuch as all public roads and highways, while kept up and maintained as such, are now post routes, this is no longer necessary.

1702. 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.

NOTE.—As under the act of March 1, 1884 (sec. 1701), all public roads while kept up and maintained as such are now post roads the statute must be read in the light of this fact. The statutes under this chapter authorizing contracts for mail service apply to the various classes of transportation.

1703. The Postmaster General shall cause a mail to be carried from the nearest post office on any established post road to the courthouse of any county in the United States which is without a mail.

Post roads.
39 U. S. C. 481,
Supp. V.
—waters of
United States.

—railroads
and air
routes.

—canals.

—plank roads.

—roads to
courthouses,
etc.

—letter-carrier
routes.

—public roads
and highways.
39 U. S. C. 482.

Note.
Post roads.

**Postmaster
General to
provide for
carrying mail
on post roads.**
39 U. S. C. 483.

Note.

**County seats to
be supplied
with mail.**
39 U. S. C. 484.

Transportation
of mail to and
from post
offices.
39 U. S. C. 493.

Transportation
of domestic
mails through
foreign coun-
tries.
39 U. S. C. 651.

Mail retarded
on account of
bulk.
39 U. S. C. 501.

—when letters
may be carried
separately.

Discontinuance
of service on
any road.
39 U. S. C. 492.

Postmasters and
employees not
to be con-
tractors.
39 U. S. C. 52.

—immediate
family of post-
master or as-
sistant in-
cluded.

Display of
weather signals
on cars and
vehicles trans-
porting the
mail.
15 U. S. C. 318.

1704. The Postmaster General may, when he deems it advisable, contract for the transportation of the mails to and from any post office.

1705. 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.

1706. 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.

1707. 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.

1708. No postmaster, assistant postmaster, or clerk employed in any post office shall be a contractor or concerned in any contract for carrying the mail.

See sec. 85, par. 12, for exception.

2. No postmaster, assistant postmaster, or clerk in a post office, nor any member of the immediate family of a postmaster or assistant postmaster, shall be permitted to become a bidder, or contractor, or subcontractor, or to receive compensation for carrying the mails. (See secs. 65 and 1749.)

See sec. 1772, par. 2, as to contracts by employees of the postal service and special-delivery messengers for mail-messenger service; sec. 2334 as to penalty for being interested in contract or acting as agent for contractor.

1709. The Secretary of Agriculture, in cooperation with the Postmaster General, may arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail suit-

able flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, and so forth, to be furnished by the Chief of the Weather Bureau.

CHAPTER 2

GOVERNMENT MONOPOLY OF MAIL TRANSPORTATION

PRIVATE EXPRESS: CARRYING OF LETTERS OUTSIDE OF MAIL BY COMMON CARRIERS, VESSELS, MAIL CARRIERS, ETC.

1710. Whoever 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, or whoever shall aid or assist therein shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. Nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter any mail matter properly stamped.

Conveying mail
by private ex-
press.
18 U. S. C. 304.

Punishment.

Delivery to
post office, etc.,
allowed.

2. Postmasters may accept for mailing letters delivered to them in bulk by freight, express, mail, or messenger: *Provided*, Each of such letters bears the return card of a person or firm located within the delivery limits of their offices: *And provided further*, That each of such letters is duly directed and properly sealed and bears the proper postage, which should be purchased at the office of mailing.

Letters deliv-
ered to post
offices in bulk
by freight, ex-
press, etc.

NOTE.—The Congress, under authority of the Constitution (sec. 1), has vested in the Post Office Department an absolute monopoly of the transportation of letters and packets by regular trips or at stated periods over all post routes. The above proviso and section make certain exceptions to the general statute. The term "packet" now has only historical significance. At one time a correspondence limited to a single sheet was called a single letter; two sheets a double letter; and three sheets a triple letter. All such communications composed of four or more sheets were called a packet. (*Williams v. Wells Fargo & Co. Express*, 177 Fed. 352.) The Government monopoly does not extend to all matter admitted to the mails but only to letters. Letter-carrier routes are post routes. (See sec. 1701.)

Note.
Government
monopoly of
transportation
of letters.
Definition of
"packet."

See secs. 2356 and 2357 as to penalty for obstruction and detention of mails; section 2355 as to penalty for use of sign "U. S. Mail," etc.; section 299 as to recovery of penalties.

1711. Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by

When convey-
ance by private
persons is law-
ful.
18 U. S. C. 309.

special messenger employed for the particular occasion only: *Provided*, That whenever more than 25 such letters or packets are conveyed or transmitted by such special messenger, the requirements of section 500 of title 39 shall be observed as to each piece.

When letters may be carried out of the mail.
39 U. S. C. 500, Supp. V.

—in stamped envelopes.

1712. All letters enclosed in envelopes with embossed postage thereon, or with postage stamp or stamps affixed thereto, by the sender, or with the metered indicia showing that the postage has been prepaid, if the postage thereon is of an amount 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, and that where stamps are affixed they be canceled with ink by the sender. But the Postmaster General may suspend the operation of this section or any part thereof upon any mail route where the public interest may require such suspension.

See sec. 579 for conditions governing metered mail.

Transporting persons unlawfully conveying mails.
18 U. S. C. 305.

Penalty.

1713. Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel, shall knowingly convey or knowingly permit the conveyance of 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 law, shall be fined not more than one hundred and fifty dollars.

Sending letters by private express.
18 U. S. C. 306.

Penalty.

1714. Whoever shall transmit by private express or other unlawful means, or deliver to any agent thereof, or deposit or cause to be deposited at any appointed place, for the purpose of being so transmitted, any letter or packet, shall be fined not more than fifty dollars.

Carrying letters out of the mail over post routes.
18 U. S. C. 307.

1715. Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or conveyance of any kind 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, and which 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, to the current business of the carrier, or to some article carried at the same time by the same stagecoach, railway car, or other vehicle, except as otherwise provided by law, shall be fined not more than fifty dollars.

Penalty.

See sec. 1712 as to transportation outside of mail letters inclosed in stamped envelopes; sec. 1710 as to ship letters; sec. 299 as to recovery of penalties.

2. A railroad or steamboat company or other common carrier may carry outside of the mails letters written and sent by its officers and agents which relate to its business only, without inclosing the same in stamped envelopes. Such letters may be to other of such carriers' officers and agents, to those of connecting lines, or to anyone else, so long as no other carrier intervenes.

Letters which may be carried by common carriers outside mail.

3. Letters of a company or carrier addressed to officers or agents of a connecting line on business relating to such company or carrier and delivered to an agent of the latter at the point of connection may be carried, and such carriage continued by the connecting company or carrier.

—for connecting lines.

4. Letters written by a railroad company and addressed to the manager of an eating house operated by such company, or written by him and addressed to the company, may be carried.

—for eating houses.

5. No company or carrier, or any officer or employee thereof, may carry outside of the mails letters which are neither written by the company or carrier nor addressed to it. The fact that letters relate to through business over the lines of all companies or carriers transporting the same shall not warrant a company in carrying such letters from one of its connecting lines to another.

Letters which cannot be carried.

6. Where companies or corporations operating railroads are united as a system of railways, the right to carry letters outside of the mail without payment of postage shall remain as an appurtenant of the individual companies or corporations composing the system, and shall not by reason of the union into a system become the right of the system.

Railway systems, carrying letters outside mail, right of individual companies and not of system.

1716. Whoever, being concerned in carrying the mail, shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Illegal carrying of mail by officials, etc.
18 U. S. C. 303.
Punishment.

1717. Contractors or mail carriers may convey, out of the mail, newspapers for sale or distribution to subscribers.

Newspapers may be carried out of the mail.
39 U. S. C. 254.

NOTE.—Postage on such newspapers when placed in post office must be paid by stamps affixed at the transient second-class rate. (See sec. 545.) The United States only assumes a monopoly of the transportation of letters and packets. (See sec. 1710.)

Note.

Carriers to receive and deposit properly prepaid matter presented to them.
39 U. S. C. 495.

1718. Every railway 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.

Note.

NOTE.—All postal cars and all mail apartments in cars and steamboats are post offices for the distribution of mail in transit, and mail matter placed therein is deposited in a post office.

See sec. 2064 as to acceptance of mail from public by railway postal clerks.

Vessels to deliver letters at post office before entry.
18 U. S. C. 327.

1719. No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

Oath.

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 to the post office at ----- every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

Penalty for failure.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than one hundred dollars.

See sec. 1832 as to delivery at post office of letters by master of vessel and payment therefor; sec. 2251 as to penalty for foreign vessels not delivering letters at post office on arrival, etc.; sec. 2258 as to retaliatory postage on letters carried to or from United States on foreign vessels; sec. 516 as to postage on ship letters.

Carrying letters out of the mail on vessels.
18 U. S. C. 308.
Punishment.

1720. Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than fifty dollars, or imprisoned not more than one month, or both.

Illegal carrying of mail, report of.

1721. Whenever a postmaster, or other officer of the Postal Service, receives information or has good reason to believe that letters are illegally brought to or sent from any city, town, landing, station, or place, whether by steamboat, railroad, private carrier for hire, or any other mode of conveyance, or in any way in violation of law, he shall immediately report such violation to the proper inspector in charge with all the facts concerning it in his possession. If in doubt whether matter comes within the classification of letters or whether it may be lawfully transported and

delivered other than by the Post Office Department unless postage is affixed, samples, or a complete description of the matter, should be submitted to the Solicitor for a ruling.

1722. The Postmaster General may, by a letter of authorization under his hand, to be filed among the records of his department, empower any post-office inspector or other officer of the Post Office Establishment to make searches for mailable matter transported in violation of law; and the inspector 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 inspector or officer has reason to believe that mailable matter, transported contrary to law, may therein be found.

Officers of Post Office Department may be specially authorized to make searches.
39 U. S. C. 700.
—of any car or vehicle.
—of store or building.

1723. Any post-office inspector, 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.

Authority for search of vessels and seizure of letters.
39 U. S. C. 497.

1724. Any post-office inspector, 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 nearest 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.

Agents of department or collectors may seize or detain letters, etc., illegally carried.
39 U. S. C. 498.
Period of detention.

1725. Every package or parcel seized by any post-office inspector, 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

Seized packages unlawfully containing letters to be forfeited to the United States.
39 U. S. C. 499.
Proceedings to enforce forfeiture.

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.

See sec. 828 as to return to sender of letters or other matter seized or detained for violation of law; sec. 299, as to disposition of penalties and forfeitures.

CHAPTER 3

TRANSPORTATION OF MAILS BY RAILROADS

AUTHORIZATION, RATES, AND REQUIREMENTS OF SERVICE

Adjustment of compensation.
(Space basis act.)
39 U. S. C. 524.

1726. The Postmaster General is authorized and directed to adjust the compensation to be paid to railroad companies for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

Classes of service.
39 U. S. C. 525.

2. The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

—full R. P. O. cars.
39 U. S. C. 526.

3. Full railway post-office car mail service shall be service by cars forty feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars sixty feet in length, inside measurement, except as hereinafter provided.

—apartment R. P. O. cars.
39 U. S. C. 527.

4. Apartment railway post-office car mail service shall be service by apartments less than forty feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments fifteen feet and thirty feet in length, inside measurement, except as hereinafter provided.

—storage cars.
39 U. S. C. 528.

5. Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The

authorizations for storage cars shall be for cars sixty feet in length, inside measurement, except as hereinafter provided. Storage space in units of three feet, seven feet, fifteen feet, and thirty feet, both sides of car, may be authorized in baggage cars at not exceeding pro rata of the rates hereinafter named for sixty-foot storage cars.

NOTE.—The unit of seven feet of storage space was discontinued and a 70-foot full storage car and additional lesser storage units were authorized by orders of the Interstate Commerce Commission. (See secs. 1727 and 1728.)

Note.

6. Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried.

—scope of car service.
39 U. S. C. 529.

7. Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided. The authorizations for closed-pouch service shall be for units of seven feet and three feet in length, both sides of car.

—closed pouch service defined.
39 U. S. C. 530.

NOTE.—The unit of seven feet was discontinued and additional closed pouch units authorized by orders of the Interstate Commerce Commission. (See secs. 1727 and 1728.)

Note.

8. (a) The rates of payment for the services authorized in accordance with this section shall be as follows, namely:

Rates per mile and initial and terminal allowances.
39 U. S. C. 531.

(b) For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car. (See note under par. 11 (a).)

(c) In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car. (See note under par. 11 (b).)

9. (a) For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a thirty-foot apartment car and 6 cents for each mile of service by a fifteen-foot apartment car. (See note under par. 11 (a).)

39 U. S. C. 531.

(b) In addition thereto he may allow not exceeding \$2.75 as a combined initial and terminal rate for each one-way trip of a thirty-foot apartment car and \$2 as a

combined initial and terminal rate for each one-way trip of a fifteen-foot apartment car. (See note under par. 11 (b).)

39 U. S. C. 531. 10. (a) For storage-car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car. (See note under par. 11 (a).)

(b) In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car. (See note under par. 11(b).)

39 U. S. C. 531. 11. (a) For closed-pouch service, at not exceeding 1½ cents for each mile of service when a three-foot unit is authorized, and 3 cents for each mile of service when a seven-foot unit is authorized.

Note.

NOTE.—Rates of pay, pars. 8 (b), 9 (a), 10 (a), and 11 (a) were increased by orders of the Interstate Commerce Commission. (See secs. 1727 and 1728.)

(b) In addition thereto he may allow not exceeding 25 cents as the combined initial and terminal rate for each one-way trip of a three-foot unit of service and 50 cents as a combined initial and terminal rate for each one-way trip of a seven-foot unit of service.

Note.

NOTE.—The initial and terminal rates (see pars. 8 (c), 9 (b), 10 (b), and 11 (b)) were canceled and abolished, payments in lieu thereof being included in the line rates, by order of the Interstate Commerce Commission of December 23, 1919.

Oversize and undersize cars.
39 U. S. C. 532.

12. Where authorizations are made for cars of the standard lengths of sixty, thirty, and fifteen feet, as provided by sections 526 and 527 of this title (pars. 3 and 4 of this section), and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the Department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by section 531 of this title (pars. 8 (b) and 9 (a) of this section) for the standard length so authorized. The Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

Land-grant rates.
39 U. S. C. 536.

* 13. Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be

* Revoked
see Insert 44

transported over their roads at such price as Congress should by law direct, shall receive only eighty per centum of the compensation otherwise authorized by this chapter.

14. The initial and terminal rates provided for in section 531 of this title (pars. 8, 9, 10, and 11) shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service, and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

Initial and terminal rates.—service covered by.
39 U. S. C. 533.

—may be varied.

NOTE.—See note to pars. 8 (c), 9 (b), 10 (b), and 11 (b).

15. In computing the car miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

R. P. O. space to be computed in both directions.
39 U. S. C. 534.

16. In computing the car miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car to be used by the company in the return movement, or otherwise mutually agreed upon.

Computation of storage space.
39 U. S. C. 535.

See sec. 1727, par. 1 (c), as to authorizations of lesser storage units in both directions.

17. New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require. No additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General.

Authorization and discontinuance of service.
39 U. S. C. 564.

18. The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those herein specified, and make report to Congress of all cases where such special contracts are made and the terms and reasons therefor.

Special contracts with railroad companies.
39 U. S. C. 565.

Construction and maintenance of cars.
39 U. S. C. 537.

19. All cars or parts of cars used for the Railway Mail Service shall be of such construction, 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, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. The Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies shall be constructed of steel.

See sec. 2106 as to the character of construction of full and apartment railway post-office cars.

Service performed by one carrier over property of another.
39 U. S. C. 566.

* 20. Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company. ~~Service over land-grant roads shall be paid for as herein provided.~~

Necessary facilities for protecting and handling mails to be provided by railroad companies.
39 U. S. C. 538.

21. Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, storing, and transfer of mails in transit, including the separation thereof, by packages for connecting lines, and such distribution of registered mail in transit as may be necessary, and for offices for the employees of the Railway Mail Service engaged in such station work when required by the Postmaster General, in which mail from station boxes may be distributed if it does not require additional space.

Penalty for failure to furnish and maintain cars or apartments.
39 U. S. C. 567.

22. If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster

* See Insert
No 44

General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General; it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

23. The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

Railroad companies required under penalty to transport mail, supplies, etc.
39 U. S. C. 539.

24. The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of sections 524 to 568 of this title for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

Deductions of pay for reduced service and imposition of fines for delinquencies.
39 U. S. C. 568.

25. The provisions of sections 524 to 568 of this title shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

Combined steamboat and railroad service.
39 U. S. C. 540.

26. The provisions of sections 524 to 568 of this title respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Mails conveyed in freight trains.
39 U. S. C. 555.

27. Railroad companies carrying the mails shall submit, under oath when and in such form as may be required by the Postmaster General, evidence as to the performance of service.

Reports of service performed.
39 U. S. C. 556.

Transportation of mail matter at rates paid by express companies.
39 U. S. C. 557.

28. The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

Carload and less-than-carload rate of fourth-class matter and periodicals.
39 U. S. C. 558.

29. The Postmaster General may, in his discretion, petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

Postmaster General may distinguish between the several classes of mail matter.
39 U. S. C. 559.

30. The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

Return to the mails of equipment, supplies, etc.
39 U. S. C. 560.

31. The Postmaster General may return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

Empty mail bags, etc., to be returned to the mails.
39 U. S. C. 561.

32. The Postmaster General, in cases of emergency between October first and April first of any year, may return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space, pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

Weighing of the mails.
39 U. S. C. 562.

33. The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of

the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes.

34. All railway common carriers are hereby required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith.

Railway common carriers required to transport the mails.
39 U. S. C. 541.

35. The Interstate Commerce Commission is hereby empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter by railway common carriers and the service connected therewith, prescribing the method or methods by weight, or space, or both, or otherwise, for ascertaining such rate or compensation, and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing.

Interstate Commerce Commission empowered to fix rates and compensation.
39 U. S. C. 542.

36. In fixing and determining the fair and reasonable rates for such service the commission shall consider the relation existing between the railroads as public-service corporations and the Government, and the nature of such service as distinguished, if there be a distinction, from the ordinary transportation business of the railroads.

Commission to consider relation existing between railroads and the Government.
39 U. S. C. 543.

37. The procedure for the ascertainment of said rates and compensation shall be as provided in sections 545 to 554 of this title (pars. 39 to 48, inclusive, of this section).

39 U. S. C. 544.

38. The Postmaster General shall file with the commission a statement showing the transportation required of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission.

Procedure of ascertainment of rates and compensation.
39 U. S. C. 545.

Postmaster General authorized to employ clerical and other assistance and rent quarters.
39 U. S. C. 546.

39. The Postmaster General may employ such clerical and other assistance as shall be necessary to carry out the provisions of sections 524 to 568 of this title, and may rent quarters in Washington, District of Columbia, if necessary, for the clerical force engaged thereon, and pay for the same out of the appropriation for inland transportation by railroad routes. The Postmaster General shall file with the commission a comprehensive plan for the transportation of the mails on said railways and shall embody therein what he believes to be the reasonable rate or compensation the said railway carriers should receive.

Commission to give each carrier 30 days' notice.
39 U. S. C. 547.

40. Thereupon the commission shall give notice of not less than thirty days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission, not later than thirty days after the expiration of the notice herein required, each of said carriers shall make answer and the commission shall proceed with the hearing as provided by law for other hearings between carriers and shippers or associations.

Testimony, etc.
39 U. S. C. 548.

41. All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are hereby made applicable.

Classification of carriers.
39 U. S. C. 549.

42. For the purpose of determining and fixing rates or compensation hereunder the commission is authorized to make such classification of carriers as may be just and reasonable and, where just and equitable, fix general rates applicable to all carriers in the same classification.

Additional weighing of the mails.
39 U. S. C. 550.

43. Pending such hearings, and the final determination of the question, if the Interstate Commerce Commission shall determine that it is necessary or advisable, in order to carry out the provisions of this chapter, to have additional and more frequent weighing of the mails for statistical purposes, the Postmaster General, upon request of the commission, shall provide therefor in the manner prescribed by law, but such weighing need not be for more than thirty days.

Establishment of rate or compensation by order of commission.
39 U. S. C. 551.

44. At the conclusion of the hearing the commission shall establish by order a fair, reasonable rate or compensation to be received, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the

continuance of the order the Postmaster General shall pay the carrier from the appropriation for inland transportation by railroad routes such rate or compensation.

45. Either the Postmaster General or any such carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had with respect to the rate or rates for service covered by said application, provided said carrier or carriers have an interest therein.

Reexamination
after six
months.
39 U. S. C. 553.

46. For the purposes of sections 524 to 568 of this title the Interstate Commerce Commission is hereby vested with all the powers which it is authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers.

Commission
vested with
powers author-
ized by law in
the investiga-
tion.
39 U. S. C. 554.

* 47. The Interstate Commerce Commission shall allow to railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on condition that the mails should be transported over their roads at such price as Congress should by law direct only eighty per centum of the compensation paid other railroads for transporting the mails and all service by the railroads in connection therewith.

Land-grant
rates.
39 U. S. C. 552.

48. (a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however,* That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail

Government to
pay full rate.
1940, Sept. 18,
Public, No. 785.

* Revalued
See insert No. 44

for less than such rate: *Provided further*, That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

* (b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law.

Penalty for refusal of railroad company to perform mail service.
39 U. S. C. 563.

49. It shall be unlawful for any railroad company to refuse to perform mail service at the rates or methods of compensation provided by law when required by the Postmaster General so to do, and for such offense shall be fined \$1,000. Each day of refusal shall constitute a separate offense.

* Revoked
See Insert No 44

1727. (a) Where authorizations are made for cars or apartments of the standard lengths of 60, 30, and 15 feet, and the railroad company is unable to furnish such cars or apartments of the length authorized, but furnishes cars or apartments of lesser length, but which are accepted by the department to be sufficient for the service, payment shall be made only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided for the standard length authorized. The Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths except that where an oversize car is furnished storage units may be authorized therein on either the basis of actual measurement or count of sacks and outside packages, whichever may be more practicable, provided that in no case shall payment be made for more than the actual length of the car.

(b) In computing the car-miles of full and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions.

(c) In computing the miles of service of a storage car or lesser storage-space unit, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions unless any part of the car containing such unit be used by the railroad company in the return movement.

(d) All regular authorizations for full railway postal (post-office) cars, apartment railway post-office cars, and full storage cars may be discontinued, in accordance with the needs of the service at established railway passenger or freight division points or junctions at which the train is scheduled to stop.

(e) Regular authorizations of lesser closed-pouch and storage units shall not be changed en route at other than junction or division points, but they may begin at the point where closed-pouch or storage space becomes necessary and may be terminated at the point where the last mails are dispatched.

(f) For the purpose of making changes in authorizations in lesser units of closed-pouch and storage space, a "junction" will be considered to be a point where two railroad lines of the same or of different companies cross or diverge, and at which mails are regularly received or dispatched by any train.

(g) The same regular lesser unit of closed-pouch and storage space shall be authorized on every day of the week upon which closed-pouch and storage mails are carried in lesser units.

(h) All units of emergency space needed to supplement regular authorizations shall be 3, 6, 9, 12, 15, 18, 21, 24, 27, or 30 feet without duplication or grouping, and such units may be discontinued, increased, or decreased at any point where a fluctuation in the volume of mail carried requires a change from one unit to another.

Railway mail pay.
Oversize and undersize R.P. O. cars and apartments.
I. C. C. order
Nov. 18, 1921.

Basis of computation of R. P. O. mileage.
I. C. C. order
Dec. 23, 1919.

—storage-space mileage.
I. C. C. order
July 10, 1928.

Authorizations of service may be discontinued.
—at what points.
I. C. C. order
July 10, 1928.

Regular authorizations to be changed at junction or division points.
I. C. C. order
July 10, 1928.

—"junction" defined.

Same lesser units authorized, when.
I. C. C. order
July 10, 1928.
Emergency space.
—authorization and discontinuance.
I. C. C. order
July 10, 1928.

Where combined storage units necessitate use of more than 30 feet of space.
I. C. C. order
Dec. 23, 1919.

When regular authorizations may be increased.
I. C. C. order
July 10, 1928.

Railroad companies to be separately compensated for side, terminal, or transfer service.
I. C. C. order
Dec. 23, 1919.

—where the companies contract for such service.
I. C. C. order
Dec. 23, 1919.

(i) Whenever a regularly authorized unit of storage or closed-pouch space, combined with an emergency unit, necessitates the use of more than 30 feet linear space in a baggage car, or storage car used exclusively for the mails, a 60-foot car shall be authorized and paid for on the basis of the round trip, provided the car is not used by the railroad company in the opposite direction.

(j) Whenever a regular authorization of less than 30 feet is exceeded on more than 50 percent of the trips in any calendar month the appropriate higher unit shall be authorized. Whenever a regular authorization of 30 feet of storage space is exceeded under like condition a full storage car of the appropriate length of 60 or 70 feet shall be authorized on the days of the week on which the 30-foot unit is exceeded on more than 50 percent of the trips on such days. A regular authorization may be reduced to the appropriate smaller unit which would have accommodated the mails on more than 50 percent of the trips in any calendar month. This rule will not apply to the month of December.

(k) Where the railroad companies are required by the department to perform side, terminal, or transfer service, they shall be separately compensated for such service, unless the service is performed in or directly contiguous to railway terminals and depots. The amount to be paid therefor shall be measured by the amount paid by the railroad to contractors plus 3 percent; and where the service is performed by agents or employees of the railroad companies the payment shall be for the value of the pro rata time of such railway agents or employees while engaged in rendering the service, including cost of vehicular service that may be necessary, with the addition of 3 percent.

(l) Where the railroad companies contract for such service contracts shall be let to the lowest responsible bidder upon advertisement. Readjustment for such service shall be made annually. The railroad companies shall submit certified copies of each contract to the Postmaster General on or before July 1 of each year showing the rate of payment for the ensuing year, and the amounts specified in such contracts plus 3 percent shall be accepted as the basis of payment to the Postmaster General heretofore prescribed. The railroad companies shall also furnish the Postmaster General each year, on or before July 1, a detailed statement of the daily time consumed in handling the mails by their agents or employees at each point where side, terminal, or transfer service is performed, which statement shall be verified by a responsible official of the company conversant with the facts, and such verified statement shall compute the pro rata payment of the agent or employee performing the service, based on the time actually consumed, and the amount named in the statement plus 3 percent shall constitute the basis of payment for the next ensuing year, unless in special cases, and for good cause, the Postmaster General may require further statements and verifications from any particular railroad company at other periods of the year.

(m) That from time to time, at least once in two years, the Postmaster General, upon notification to the railroads, and with their presence and assistance, shall conduct tests to determine the number of sacks and outside packages that will fill a foot or 3 feet of space in a car, and the results thereof shall be reflected in changes of rules, where necessary, in the count of sacks and packages as the basis for measurement.

(n) That payments for transportation of the mails, and the services connected therewith shall be made each month after the service has been performed.

2. (a) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith on and after August 1, 1928, by all carriers except those hereafter shown in par. 2 (b), 2 (c), and par. 3, be, and they are hereby, established as follows:

Tests to be conducted to determine carrying capacity of 1 foot or 3 feet of space.
I. C. C. order
Dec. 23, 1919.

Payments to be made monthly.
I. C. C. order
Dec. 23, 1919.
Rates fixed by
I. C. C. order
July 10, 1928.

For each mile of service by—	Rate	For each mile of service by—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	39. 00	15-foot storage space.....	13. 00
30-foot apartment car.....	21. 50	12-foot storage space.....	11. 00
15-foot apartment car.....	14. 50	9-foot storage space.....	8. 75
70-foot storage car.....	47. 00	6-foot storage space.....	6. 25
60-foot storage car.....	40. 50	3-foot storage space.....	3. 50
30-foot storage space.....	21. 50	15-foot closed-pouch space.....	14. 50
27-foot storage space.....	20. 00	12-foot closed-pouch space.....	12. 50
24-foot storage space.....	18. 50	9-foot closed-pouch space.....	10. 25
21-foot storage space.....	16. 75	6-foot closed-pouch space.....	7. 50
18-foot storage space.....	15. 00	3-foot closed-pouch space.....	4. 50

Provided, That the minimum payment on any mail route, over any part of which mail is transported not less than six days a week, shall be \$72 per mile per annum.

—minimum
rate.

(b) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith on and after August 1, 1928, by the Bangor & Aroostook Railroad Co., Boston & Albany Railroad (New York Central Railroad Co., lessee), Boston & Maine Railroad, Central Vermont Railway, Inc., Maine Central Railroad Co., the New York, New Haven & Hartford Railroad Co., Rutland Railroad Co., Canadian Pacific Railway (Wells River, Vt., to Newport, Vt., and Richford, Vt., to Newport, Vt.), Quebec Central Railway Co., Canadian National Railway Co. (Portland, Me., to Boundary Line (n. o.), Vt., and Lewiston to Lewiston Jct. (n. o.), Maine), be, and they are hereby, established as follows:

New England
rates.

For each mile of service by—	Rate	For each mile of service by—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	52. 50	15-foot storage space.....	17. 75
30-foot apartment car.....	29. 50	12-foot storage space.....	15. 00
15-foot apartment car.....	19. 50	9-foot storage space.....	12. 00
70-foot storage car.....	63. 00	6-foot storage space.....	8. 25
60-foot storage car.....	54. 00	3-foot storage space.....	4. 50
30-foot storage space.....	29. 50	15-foot closed pouch space.....	19. 50
27-foot storage space.....	27. 25	12-foot closed pouch space.....	17. 00
24-foot storage space.....	25. 00	9-foot closed pouch space.....	14. 00
21-foot storage space.....	22. 75	6-foot closed pouch space.....	10. 00
18-foot storage space.....	20. 25	3-foot closed pouch space.....	6. 00

—minimum rate.

Rates for separately operated railroads 100 miles or less in length.

Provided, That the minimum payment on any mail route, over any part of which mail is transported not less than six days a week, shall be \$96.50 per mile per annum.

(c) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith on and after August 1, 1928, by separately operated railroads, not exceeding 100 miles in length, be, and they are hereby, established as follows:

For each mile of service by—	(a) Separately operated railroads 50 to 100 miles in length	(b) Separately operated railroads less than 50 miles in length	For each mile of service by—	(a) Separately operated railroads 50 to 100 miles in length	(b) Separately operated railroads less than 50 miles in length
	<i>Cents</i>	<i>Cents</i>		<i>Cents</i>	<i>Cents</i>
60-foot railway post-office car.....	73.00	91.00	15-foot storage space.....	24.50	30.75
30-foot apartment car.....	40.50	50.50	12-foot storage space.....	20.75	26.00
15-foot apartment car.....	27.00	34.00	9-foot storage space.....	16.50	20.50
70-foot storage car.....	88.00	110.50	6-foot storage space.....	11.75	14.75
60-foot storage car.....	75.50	94.50	3-foot storage space.....	7.00	8.50
30-foot storage space.....	40.50	50.50	15-foot closed pouch space.....	27.00	34.00
27-foot storage space.....	37.75	47.00	12-foot closed pouch space.....	23.00	28.75
24-foot storage space.....	35.00	43.50	9-foot closed pouch space.....	18.25	23.00
21-foot storage space.....	31.75	39.50	6-foot closed pouch space.....	13.25	16.70
18-foot storage space.....	28.25	35.25	3-foot closed pouch space.....	8.00	10.00

—minimum rate.

Rates fixed for Denver & Salt Lake Ry. Co.
I. C. C. order
Feb. 9, 1929.

Provided, That the minimum payment on any mail route, over any part of which mail is transported not less than six days a week, shall be \$112.50 per mile per annum.

3. (a) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith on and after March 1, 1929, by the Denver & Salt Lake Railway Co., be, and they are hereby, established as follows:

For each mile of service by a—	Rate	For each mile of service by a—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	54.00	12-foot storage space.....	16.00
30-foot apartment car.....	30.00	9-foot storage space.....	13.00
15-foot apartment car.....	20.00	6-foot storage space.....	9.00
60-foot storage car.....	56.00	3-foot storage space.....	5.00
30-foot storage space.....	30.00	15-foot closed-pouch space.....	20.00
27-foot storage space.....	28.00	12-foot closed-pouch space.....	17.00
24-foot storage space.....	26.00	9-foot closed-pouch space.....	14.00
21-foot storage space.....	23.75	6-foot closed-pouch space.....	10.00
18-foot storage space.....	21.25	3-foot closed-pouch space.....	6.00
15-foot storage space.....	18.75		

Rates fixed by I. C. C. orders
Feb. 9 and
Apr. 27, 1929.

(b) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith by the California Western Railroad & Navigation Co., McCloud River Railroad Co., Nevada County Narrow Gauge Railroad Co., Nevada Northern Railway Co., Quincy Railroad Co., San Diego & Arizona Eastern Railway Co., San Luis Valley Southern Railway Co., Sierra Railroad Co., Spokane International Railway Co., Laramie, North Park & Western Railroad Co., The Nevada Copper Belt Railroad Co., Washington, Idaho & Montana

Railway Co., Yreka Western Railroad Co., Yosemite Valley Railway Co., Midland Terminal Railway Co., Virginia & Truckee Railway, Alabama, Tennessee & Northern Railroad Corporation, Tonopah & Goldfield Railroad Co., and Trona Railway Co. be, and they are hereby, established as follows:

For each mile of service by a—	For rail-roads over 100 miles in length	For separately oper-ated rail-roads not exceeding 100 miles in length and not less than 50 miles in length	For separately oper-ated rail-roads less than 50 miles in length
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
60-foot railway post-office car.....	67.50	81.00	101.25
30-foot apartment car.....	37.50	45.00	56.25
15-foot apartment car.....	25.00	30.00	37.50
70-foot storage car.....	81.50	98.00	122.50
60-foot storage car.....	70.00	84.00	105.00
30-foot storage space.....	37.50	45.00	56.25
27-foot storage space.....	35.00	42.00	52.50
24-foot storage space.....	32.25	38.75	48.25
21-foot storage space.....	29.25	35.00	44.00
18-foot storage space.....	26.25	31.50	39.50
15-foot storage space.....	22.75	27.25	34.00
12-foot storage space.....	19.00	22.75	28.25
9-foot storage space.....	15.00	18.00	22.25
6-foot storage space.....	10.75	13.00	16.00
3-foot storage space.....	6.25	7.50	9.50
15-foot closed-pouch space.....	25.00	30.00	37.50
12-foot closed-pouch space.....	21.00	25.50	31.50
9-foot closed-pouch space.....	17.00	20.50	25.50
6-foot closed-pouch space.....	12.50	15.00	18.75
3-foot closed-pouch space.....	7.50	9.00	11.25

Minimum pay \$125 per mile per annum.

(c) That the fair and reasonable rates of pay to be received for the transportation of mail matter and the service connected therewith, by the Canadian Pacific Railway Co., Houlton, Me., to Boundary Line (n. o.); Onawa, Me., to Boundary Line (n. o.) be, and they are hereby, established as follows:

Rates fixed by
I. C. C. order
Dec. 23, 1919.

For each mile of service by a—	Rate	For each mile of service by a—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	33.75	15-foot storage space.....	12.25
30-foot apartment car.....	18.75	12-foot storage space.....	10.25
15-foot apartment car.....	12.50	9-foot storage space.....	8.25
70-foot storage car.....	41.00	6-foot storage space.....	5.75
60-foot storage car.....	35.00	3-foot storage space.....	3.25
30-foot storage space.....	18.75	15-foot closed-pouch space.....	12.50
27-foot storage space.....	17.75	12-foot closed-pouch space.....	10.75
24-foot storage space.....	16.75	9-foot closed-pouch space.....	8.75
21-foot storage space.....	15.50	6-foot closed-pouch space.....	6.50
18-foot storage space.....	14.00	3-foot closed-pouch space.....	3.75

Minimum pay \$62.50 per mile per annum.

RATES OF PAY OF RAILROAD COMPANIES

1728. Following are the rates of pay for the transportation of mails by railroads, as fixed by the Interstate Commerce Commission:

Rates of pay for
transportation
of mails by
railroads.

TABLE A.—General rates applicable to all railroads except as shown in Tables B, C, D, and E

For each mile of service by—	For railroads over 100 miles in length		For separately operated railroads 50 to 100 miles in length	For separately operated railroads less than 50 miles in length
	Regular rates	Land-grant rates		
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
60-foot railway post-office car.....	39.00	31.20	73.00	91.00
30-foot apartment car.....	21.50	17.20	40.50	50.50
15-foot apartment car.....	14.50	11.60	27.00	34.00
70-foot storage car.....	47.00	37.60	88.00	110.50
60-foot storage car.....	40.50	32.40	75.50	94.50
30-foot storage space.....	21.50	17.20	40.50	50.50
27-foot storage space.....	20.00	16.00	37.75	47.00
24-foot storage space.....	18.50	14.80	35.00	43.50
21-foot storage space.....	16.75	13.40	31.75	39.50
18-foot storage space.....	15.00	12.00	28.25	35.25
15-foot storage space.....	13.00	10.40	24.50	30.75
12-foot storage space.....	11.00	8.80	20.75	26.00
9-foot storage space.....	8.75	7.00	16.50	20.50
6-foot storage space.....	6.25	5.00	11.75	14.75
3-foot storage space.....	3.50	2.80	7.00	8.50
15-foot closed-pouch space.....	14.50	11.60	27.00	34.00
12-foot closed-pouch space.....	12.50	10.00	23.00	28.75
9-foot closed-pouch space.....	10.25	8.20	18.25	23.00
6-foot closed-pouch space.....	7.50	6.00	13.25	16.75
3-foot closed-pouch space.....	4.50	3.60	8.00	10.00
Minimum pay per mile per annum.....	\$72.00	\$57.60	\$112.50	\$112.50

TABLE B.—Rates applicable to the railroads shown below

Bangor & Aroostook Railroad Co.
 Boston & Albany Railroad (New York Central Railroad Co. lessee).
 Boston & Maine Railroad.
 Canadian National Railway Co.¹
 Canadian Pacific Railway Co.²

Central Vermont Railway, Inc.
 Maine Central Railroad Co.
 New York, New Haven & Hartford Railroad Co.
 Quebec Central Railway Co.
 Rutland Railroad Co.

For each mile of service by—	Rate	For each mile of service by—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	52.50	15-foot storage space.....	17.75
30-foot apartment car.....	29.50	12-foot storage space.....	15.00
15-foot apartment car.....	19.50	9-foot storage space.....	12.00
70-foot storage car.....	63.00	6-foot storage space.....	8.25
60-foot storage car.....	54.00	3-foot storage space.....	4.50
30-foot storage space.....	29.50	15-foot closed-pouch space.....	19.50
27-foot storage space.....	27.25	12-foot closed-pouch space.....	17.00
24-foot storage space.....	25.00	9-foot closed-pouch space.....	14.00
21-foot storage space.....	22.75	6-foot closed-pouch space.....	10.00
18-foot storage space.....	20.25	3-foot closed-pouch space.....	6.00

Minimum pay per mile per annum, \$96.50.

¹ Canadian National Ry., route 101726, Portland, Me., to Boundary Line (n. o.), Vt., and route 101791, Lewiston to Lewiston Junction (n. o.), Me., receive the rates shown in this table. Route 101735, Canadian Boundary Line (n. o.) to Rouses Point, N. Y., route 102787, Suspension Bridge (n. o.) to Boundary Line (n. o.), N. Y.; route 102745, Boundary Line (n. o.) to Fort Covington, N. Y.; route 108726, Port Huron (Tunnel Sta.) to Boundary Line (n. o.), Mich., and Detroit to Boundary Line (n. o.), Mich., and route 110721, International Boundary Line (n. o.) (Warroad) to International Boundary Line (n. o.) (Spoonerville), Minn., receive the rates shown in Table A.

² Canadian Pacific Ry., route 101716, Richford to Newport, Vt., and route 101797, Newport to Wells River, Vt., receive the rates shown in this table. Route 101788, Houlton, Me., to Boundary Line (n. o.), and route 101789, Onawa, Me., to Boundary Line (n. o.), receive the rates shown in Table D.

* See Insert No. 44
 See 1726 amendment.

TABLE C. *Rates applicable to the railroads shown below*

Alabama, Tennessee & Northern Railroad Corporation.	Quincy Railroad Co.
California Western Railroad & Navigation Co.	San Diego & Arizona Eastern Railway Co.
Laramie, North Park & Western Railroad Co.	San Luis Valley Southern Railway Co.
McCloud River Railroad Co.	Sierra Railroad Co.
Midland Terminal Railway Co.	Spokane International Railway Co.
Nevada County Narrow Gauge Railroad Co.	Tonopah & Goldfield Railroad Co.
Nevada Copper Belt Railroad Co.	Trona Railway Co.
Nevada Northern Railway Co.	Virginia & Truckee Railway.
	Washington, Idaho & Montana Railway Co.
	Yosemite Valley Railway Co.
	Yreka Western Railroad Co.

For each mile of service by a—	For railroads over 100 miles in length	For separately operated railroads not exceeding 100 miles in length and not less than 50 miles in length	For separately operated railroads less than 50 miles in length
	<i>Cents</i>	<i>Cents</i>	<i>Cents</i>
60-foot railway post-office car.....	67.50	81.00	101.25
30-foot apartment car.....	37.50	45.00	56.25
15-foot apartment car.....	25.00	30.00	37.50
70-foot storage car.....	81.50	98.00	122.50
60-foot storage car.....	70.00	84.00	105.00
30-foot storage space.....	37.50	45.00	56.25
27-foot storage space.....	35.00	42.00	52.50
24-foot storage space.....	32.25	38.75	48.25
21-foot storage space.....	29.25	35.00	44.00
18-foot storage space.....	26.25	31.50	39.50
15-foot storage space.....	22.75	27.25	34.00
12-foot storage space.....	19.00	22.75	28.25
9-foot storage space.....	15.00	18.00	22.25
6-foot storage space.....	10.75	13.00	16.00
3-foot storage space.....	6.25	7.50	9.50
15-foot closed-pouch space.....	25.00	30.00	37.50
12-foot closed-pouch space.....	21.00	25.50	31.50
9-foot closed-pouch space.....	17.00	20.50	25.50
6-foot closed-pouch space.....	12.50	15.00	18.75
3-foot closed-pouch space.....	7.50	9.00	11.25

Minimum pay per mile per annum, \$125.

TABLE D.—*Rates applicable to the Canadian Pacific Railway Co.*

For each mile of service by a—	Rate	For each mile of service by a—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	33.75	15-foot storage space.....	12.25
30-foot apartment car.....	18.75	12-foot storage space.....	10.25
15-foot apartment car.....	12.50	9-foot storage space.....	8.25
70-foot storage car.....	41.00	6-foot storage space.....	5.75
60-foot storage car.....	35.00	3-foot storage space.....	3.25
30-foot storage space.....	18.75	15-foot closed-pouch space.....	12.50
27-foot storage space.....	17.75	12-foot closed-pouch space.....	10.75
24-foot storage space.....	16.75	9-foot closed-pouch space.....	8.75
21-foot storage space.....	15.50	6-foot closed-pouch space.....	6.50
18-foot storage space.....	14.00	3-foot closed-pouch space.....	3.75

Minimum pay per mile per annum, \$62.50.

Canadian Pacific Ry. Co., route 101788, Houlton, Me., to Boundary Line (n. o.); and route 101789, Onawa, Me., to Boundary Line (n. o.), receive the rates shown in this table. Route 101716, Richford to Newport, Vt., and route 101797, Newport to Wells River, Vt., receive the rates shown in Table B.

TABLE E.—*Rates applicable to the Denver & Salt Lake Railway Co.*

For each mile of service by a—	Rate	For each mile of service by a—	Rate
	<i>Cents</i>		<i>Cents</i>
60-foot railway post-office car.....	54.00	12-foot storage space.....	16.00
30-foot apartment car.....	30.00	9-foot storage space.....	13.00
15-foot apartment car.....	20.00	6-foot storage space.....	9.00
60-foot storage car.....	56.00	3-foot storage space.....	5.00
30-foot storage space.....	30.00	15-foot closed-pouch space.....	20.00
27-foot storage space.....	28.00	12-foot closed-pouch space.....	17.00
24-foot storage space.....	26.00	9-foot closed-pouch space.....	14.00
21-foot storage space.....	23.75	6-foot closed-pouch space.....	10.00
18-foot storage space.....	21.25	3-foot closed-pouch space.....	6.00
15-foot storage space.....	18.75		

Contracts with-
out advertising
for bids.
39 U. S. C. 571.

Mails not to be
carried without
departmental
authority.

Recommendation
for estab-
lishment or
extension of
service to be
submitted by
R. M. S.

Transportation
of officers,
agents, and
employees of
Department and
Service and
post-office
inspectors.
39 U. S. C. 523.

39 U. S. C.
541a.

1729. The Postmaster General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor.

1730. Mails shall not be carried on any new railroad, or other railroad or part thereof on which mail service has not been authorized, either regularly or under waivers, until ordered by the Second Assistant Postmaster General.

2. Division superintendents of Railway Mail Service shall report to the General Superintendent with recommendation and facts upon which it is based, all cases for establishment of service on new railroads and extension of service on existing routes, and all cases for increase and decrease of space on all routes necessary to conform properly to the mails carried.

1731. Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and Post Office inspectors while traveling on official business, upon the exhibition of their credentials.

2. The Postmaster General is hereby authorized, in his discretion, to permit railroad and electric-car companies to provide mail transportation by motor vehicle over highways in lieu of service by train, the compensation for such service to be at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation and mail-messenger service or electric- and cable-car service.

1732. Whenever a railroad company finds it necessary to transfer at the place of a wreck or washout, its officials and employees shall see that the mails and railway postal clerks are promptly transferred and every possible convenience furnished the clerks for working their mails.

Transfer at
place of wreck
or washout.

2. Whenever a railroad company finds it necessary to set out a car containing mail on account of bad order, or other operating conditions, its employees shall see that all mails in the car are transferred to vacant space in other cars in the train, or to an additional car if available: *Provided*, That where the train involved is an important passenger train and the transfer of all of the mails would result in a protracted delay to the train, the transfer may be limited to first-class and registered mails, daily newspapers, and special delivery, and special handling matter, and also to such other classes of mail as can be handled during the time of such transfer: *Provided further*, That where a following train will secure substantially the same connections and deliveries as would have been made by the train from which the car was set out, the mails may be held for such following train. Where the car set out is a distributing unit the railway postal clerks will render all possible assistance in the transfer of the mails.

1733. Offices at stations for the employees of the Railway Mail Service engaged in station work shall be lighted, heated, furnished, supplied with ice water, provided with toilet facilities (where such facilities are not easily accessible), and kept in order by the railroad company.

Maintenance of
transfer offices.

1734. Railroad companies shall require their employees who handle the mails on trains to keep a record of all pouches due to be received or dispatched by them, and to check the pouches at the time they are received or dispatched.

Railroad-com-
panies to keep
record of
pouches.

2. Every irregularity in the receipt and dispatch of mail shall be reported by the employee to his superintendent promptly, and if a probable loss of or damage to mail is involved, or if the cause of failure to receive a pouch is not known, the report should be made by wire, and the superintendent shall notify the division superintendent of Railway Mail Service without delay. A copy of the employee's report shall be attached to and become a part of the permanent pouch record.

Irregularities
to be promptly
reported.

3. Train pouch records shall be kept on file at the headquarters of division superintendents of railroad companies for at least one year immediately following the date the mail covered by them was handled, and shall be accessible there to post office inspectors and other agents of the Post Office Department. Where a baggageman performs service over two or more railroad divisions on a single trip, pouch records may be filed at the headquarters of the one division superintendent of the railroad company agreed upon by the division superintendents of the Railway Mail Service concerned.

Train pouch
records to be
filed.

Records subject to examination.

4. Railroad companies shall require their employees to submit pouch records for examination to post office inspectors and other duly accredited agents of the Post Office Department upon their request and exhibition of credentials to such employees.

See secs. 745 and 762 as to record of pouches at post offices; sec. 1779, by mail messengers; sec. 2065, by railway postal clerks.

Railroad companies to furnish time-tables. Telegraphic notice of change of trains, when.

1735. Railroad companies shall forward timetables to the division superintendents and chief clerks of the Railway Mail Service having supervision over the mail service on their lines not less than 72 hours before taking effect. If for any reason it becomes necessary to temporarily annul, curtail, or suspend train service, immediate telegraphic notice thereof shall be given the same officials.

Notice of schedules to postmasters.

2. At places where railroad companies have agents, such agents shall notify the postmasters as soon as possible after receipt of any notice of change in schedule of mail trains.

Superintendents to notify railroad companies of change in pouch list.

1736. Division superintendents of the Railway Mail Service shall promptly notify the proper officers of railroad companies of any changes in the list of closed pouches to be handled by railroad employees.

Letter boxes at railroad-depots.—companies may place, when.

1737. When it appears that the public convenience will be subserved, the General Superintendent of Railway Mail Service may authorize railroad companies to place letter boxes in their depots for the receipt of mail matter other than that for local delivery.

RECEIPT AND DELIVERY OF MAILS

Receipt and delivery of mails by railroad companies.

1738. Every railroad company shall take the mails from and deliver them into all post offices and postal stations located 80 rods or less from a railroad station at which the company has an agent or other representative, where required by the Post Office Department, the company to be separately compensated for such service unless it is performed in or directly contiguous to railway terminals and depots.

—companies to be separately compensated for such service.
—when.

2. The railroad company shall give 30 days' advance notice to the department at Washington, D. C., of the discontinuance of an agency where mails are handled, or the removal of a station to a point outside the 80-rod limit, and the company shall not be relieved of the duty of handling the mails unless such notice is given.

Company to give notice of discontinuance of agency or removal of station.

3. The department will provide for the carriage of mails to and from post offices and postal stations located more than 80 rods from the nearest railroad station and also to and from post offices and postal stations located 80 rods or less from the nearest railroad station when the company has no agent or other representative employed at such station. The department may also provide for such service at any post office or postal station and relieve the company of the performance of the service whenever such action is deemed advisable.

When the department will provide receipt and delivery.

4. In all cases the distance between the railroad station and the post office or postal station shall be measured by the shortest route open to public travel, avoiding angles, from the nearest

Measurement of distance between post office and station.

door of the baggage room to the nearest door of the post-office building where the receipt and delivery of the mails is practicable. In case there is no baggage room or station the measurement shall be made from the middle of the station platform where mails are exchanged. The route need not be a way regularly dedicated to public use; and if it be over private property, no prohibition against the Government shall be recognized which shall not also have been made and enforced against the general public.

5. Any person acting for an advantage to himself or another by authority or consent of the railroad company, and representing in any manner the interests of the company or railroad in its business transactions with the public, shall be regarded as the company's agent or representative.

Definition of
"agent" or
"representative."

See ch. 5, this title, as to mail-messenger service; sec. 1727, par. 1 (k) and (l), as to separate compensation for side service.

1739. At connecting points where railroad stations are not over 80 rods apart the company having mails on its trains to be forwarded by a connecting train shall be required to transfer such mails and deliver them into the connecting train (unless relieved of the service by the department); first, where the two companies have agents or representatives employed, and, if the connection is not immediate, to deliver them to the agent of the company to be properly dispatched by the trains of said company; and, second, where the company having the mails for dispatch makes transfer of baggage or passengers. Transfers of mail between connecting trains of steam-railroad routes and cars of electric-railway routes shall be required to be made by the respective companies operating the routes where the railroad company employs an agent and its station is adjacent and readily accessible to the tracks of the electric-railway company and the connection is immediate, except where other provision for the service may be made by the Post Office Department. Companies shall be separately compensated for any such transfer service performed by them unless it is performed in or directly contiguous to railway terminals and depots. Where the tracks of electric-car routes are contiguous, transfers of mail between the cars shall be required of the operating companies when practicable and the connection is immediate.

Transfers between connecting trains.
—how made.

1740. At places where railroad companies are required to take the mails from and deliver them into post offices or postal stations or to transfer them to connecting railroads the persons employed to perform such service shall be regarded as agents of the companies and not employees of the postal service, and need not be sworn; but such persons shall be more than 16 years of age and of suitable intelligence and character. Postmasters shall promptly report any violation of this requirement to the superintendent of Railway Mail Service.

Employees of railroads.
—not postal employees.
—qualifications of.

1741. When it is desirable to have mails taken from the post office or postal station to train at a point where the service devolves upon the company in advance of the regular time of

Advance delivery by companies.

Duties of railroad company and mail messenger.
 Railroad company not required to handle mails of small volume.—where no railroad representative is on duty.

When department messenger cannot wait for delayed train.

Delayed trains.

—responsibility of railroad company.

—delivery to post office.

Arrival of mail at late hour of night.

closing mails, the company shall be required to make such advance delivery as becomes necessary by the requirements of the service.

1742. Where a mail messenger is employed by the department and a railroad representative is on duty, the railroad company shall not be required to receive mails from and deliver them into the mail cars or place the mail on mail cranes if the volume of mail is relatively small and can be readily handled by the department messenger by hand on one trip. At such a point where mail trains arrive at times when there is no railroad representative on duty, the railroad company shall not be required to place the mails on or take them from trains, and if trucking is necessary under such circumstances the railroad company shall provide and render accessible to the messenger the necessary trucks. The department reserves the right, however, in both cases to require the performance of this service by railroad employees at any time during the 24-hour period. (See secs. 1743 and 1776.)

2. When the department mail messenger cannot wait for the delayed train without delaying the other mails, the railroad company shall be required to take charge of and dispatch the mails for the delayed train and shall be responsible for the inward mail until it is delivered to the messenger or other authorized representative of the department.

3. In cases where the company's agent cannot give the mail messenger or other carrier of the mail advance information as to the time the train will arrive, the messenger need not wait for the train beyond its scheduled time of arrival. Where the train is reported as being more than two hours late, the messenger need not wait for the arrival of the train. In such cases the messenger may deliver the mail to the company's agent, or other representative, whose duty it shall be to dispatch the mail by proper train and to retain custody of the incoming mail, if any, until it is called for by the messenger. Where the train is reported to arrive within two hours of scheduled time, the messenger should wait for the arrival of the train, but need not wait more than two hours, at the expiration of which time he may turn the mails over to the agent, whose duty shall be the same as in the other cases. At a point where there is no railroad representative on duty and the mail messenger has no means of ascertaining when a delayed train will arrive, it is the duty of the mail messenger to wait at least two hours beyond the scheduled time of arrival of the train, after which time he may return the mail to the post office to be included in the next regular dispatch. In all cases where mail is turned over to the company's agent for dispatch the company shall be responsible for its proper handling, and the messenger shall call for and deliver the incoming mail to the post office as soon as practicable after the arrival of the train unless the train arrives at a late hour of the night and the post office is closed, when the incoming mails may be disposed of as provided for in the section next following.

1743. Whenever the mail on any railroad route arrives at a late hour of the night or at a time when the Government mes-

senger is not on hand to receive it, the railroad company shall, if a representative is on duty, retain custody thereof by placing the mail in a secure and safe room or apartment of the depot or station until called for or until the following morning, when it shall be delivered at the post office, or to the Government messenger, at as early an hour as the necessities of the post office may require. The department reserves the right, however, to require such service of the railroad company at times when the regular representative may not be on duty.

—care of mails.

2. At points where there is no railroad representative employed or on duty and there is a railroad station or depot, and mail trains pass late at night, the railroad company shall, if deemed necessary by the Railway Mail Service, provide exchange of mails through a safe room in the depot or by means of a safe and suitable locked box at the station.

1744. When a train departs from a railroad station between 9 p. m. and 6 a. m., and it is deemed necessary to have the mail dispatched by such train, the division superintendent of Railway Mail Service shall, where mail is taken from and delivered into the post office by the railroad company, request the company, or where a mail messenger or carrier is employed by the Post Office Department shall direct the postmaster to have the mail messenger take the mail to the railroad station at such time as will best serve the interest of the mail service. Such mail shall be taken in charge by the agent or other representative of the railroad company, who shall be required to keep it in some secure place until the train arrives and then see that it is properly dispatched.

Dispatch of
mails at late
hour of night.

2. The division superintendent of Railway Mail Service shall give reasonable advance notice to the proper officer of the railroad company in order that the agent or representatives of the company may be properly instructed. (See sec. 1743.)

—notice of, to
company.

1745. Where mail cars are not placed at points accessible to the vehicle of mail messengers or other departmental carriers, the railroad company shall be required to receive the mails from and deliver them to the messengers or other carriers at points accessible to their vehicles, except as provided in section 1742.

Loading of
mails.
Mail cars to be
accessible.

2. Railroad companies shall furnish the men necessary to handle the mails, to load them into and receive them from the doors of railway post office cars, and to load and pile the mails in and unload them from storage and baggage cars, except as provided in section 1742. Mails intended for delivery to postal clerk shall never be placed in a postal car unless there is a clerk on duty to receive and care for them.

Necessary help
to be furnished
by railroad
company.

Loading when
postal clerk is
on duty.

1746. A train shall not depart from a station and leave mails which are being loaded, or are being trucked from vehicles or some part of the station to the train, or are aboard a connecting train that has come to a stop in the same station: *Provided*, That where holding an important train for mails from a delayed connection would cause serious delay and there is subsequent available train service within a reasonable length of time, the depart-

Mail trains
must not leave
when mails are
being loaded.
—exception.
Rule as to pay
for transporta-
tion by subse-
quent train.

ment may authorize a time limit beyond which such train may not be held excepting to load first-class mail, daily newspapers, and foreign mail if necessary to insure steamer connection. If the application of this provision to any train is desired by a railroad company, request should be made to the superintendent of Railway Mail Service for same, specifying reasons and length of time beyond which it is thought impracticable to hold the train in question. If such request is approved by the superintendent of Railway Mail Service any delayed mail involved under such authority as may be given shall be carried on the subsequent train in lieu of service authorized on the first train to the extent of any unused space thereon, no additional pay to be allowed the company unless the quantity of mail carried in both trains is in excess of that which could have been carried in the space authorized.

Trains not to be held for local mails.

2. Mail trains shall not be held beyond their scheduled time of departure for mail originating in local post offices, terminal railway post offices, or offices of publication. The Railway Mail Service shall fix and enforce an ample time limit in which mails shall be delivered to the railroad companies for dispatch.

Responsibility for transfer of mails at joint stations.

3. At joint stations where mails are due to be transferred from a train of one railroad company to a train of another, the mail after being unloaded from the incoming train shall be held to be in the custody of the company operating the train to which the mail is due to be dispatched, and the responsibility for the transfer shall then rest with that company.

Mails to be accorded transfer with other traffic.

4. Whenever necessary to transfer passengers, baggage, or express from one train to another, for any reason, all mails shall be included in the transfer unless such transfer is a regular connection coming within the provisions of paragraph 1.

Classes of mails that may be withheld from important trains.

5. Division superintendents of Railway Mail Service may cause to be withheld catalogue, circular, parcel post, and ordinary paper mails, in the order named, from dispatch to important trains if necessary and advisable to prevent delay to such trains, and forward such mails in other trains in regular or emergency space.

Mail cranes. To be furnished by companies.

1747. At all points at which trains do not stop where the Post Office Department deems the exchange of mails necessary a device for the receipt and delivery of mails satisfactory to the department shall be erected and maintained by the railroad company; and pending the erection of such device the speed of trains shall be slackened so as to permit the exchange to be made with safety.

Reduction of speed or stoppage.

2. Where the department deems it necessary to the safe exchange of the mails, the railroad company shall be required to reduce the speed or stop the train.

Lights on cranes.

3. When mails are caught at night from a crane, the railroad company shall furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed, and lighted; also the light shall be so kept and displayed for the guidance of the clerks when delivery only is made. However, if the company has no agent or other employee at the station, the

company shall furnish the light, which shall be cared for and placed by the department's carrier.

4. The engineer or motorman of a train in which railway post-office service is operated, shall give timely notice, by whistle or other signal, of its approach to a nonstop point at which mails are delivered or are taken from a mail crane, or both.

See secs. 750 and 751 as to use of mail cranes and catcher pouches.

1748. Evidence of the performance of service by railroad companies shall be submitted by the companies, under oath, through the Railway Mail Service, in the form prescribed by the Post Office Department, quarterly for regular service (or monthly in the discretion of the department); monthly for emergency service, and quarterly for side and terminal service.

Railroad companies to submit evidence of service.

TEMPORARY SERVICE

1749. When a postmaster at a post office dependent on a railroad for its mail supply deems temporary mail service necessary because of a failure of the railroad service, he shall ascertain from persons eligible to perform the service the lowest rate at which he can obtain such temporary service and immediately report the facts, by telegraph, if necessary, to the superintendent of Railway Mail Service in whose division the office is located, stating the cause and probable duration of the failure, the point from which temporary service is desired, and the lowest obtainable rate for such service.

Temporary service, employment of, when railroad service fails.

Report to superintendent.

2. The superintendent of Railway Mail Service shall endeavor to have the railroad company resume regular service. If not resumed, such temporary service as may be necessary shall be employed. In cases where all regular supply for an office is suspended, the superintendent may employ temporary service, if a reasonable bid therefor is obtained, before submitting the case to the department. In cases where temporary service is recommended to supplement other supply, the Second Assistant Postmaster General may authorize the employment of temporary service. The facts in all cases shall be reported promptly to the department.

Superintendent's duty.

Report to department.

3. No temporary service rendered necessary by the failure of railroad service shall be employed by a postmaster until he has first obtained authority therefor from the Railway Mail Service.

Temporary service must first be authorized.

4. Postmasters, assistant postmasters, clerks in post offices, and members of the immediate families of postmasters and assistant postmasters shall not be permitted to bid or receive pay for temporary railroad service.

Persons ineligible to bid or receive pay.

MISCELLANEOUS PROVISIONS

1750. 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

Companies to furnish department with data relative to operations.
5 U. S. C. 389.

Postmaster General to make recommendations on such information.

Official matter may be transported by express.
39 U. S. C. 522.
—franked congressional matter excepted.

Freight shipments of second-class matter.
39 U. S. C. 576.
Owner of publication may apply to Post Office Department for hearing.
—proceedings.

Action following adverse decision.

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.

1751. The Postmaster General may provide for the transportation of official matter of any department of the Government over any railroad or express company whenever he can do so at a saving to the Government and without detriment to the public service: *Provided*, That nothing in this section shall apply to official matter franked by Members of Congress. (See sec. 1726.)

1752. No publication shall be sent by freight if such method of transportation results in unfair discrimination. Whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is unfairly discriminated against, he may apply to the Post Office Department for an opportunity to be heard; and upon such application being duly filed in writing, the owner of such publication shall have opportunity for a full and fair hearing before said Department, and pending final determination no change shall be made in the method of transportation of such publication as ordered by the Department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. Upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of twenty days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States Court of Appeals for the District of Columbia, for a review of such order by said Court of Appeals, by filing in the court a written petition praying that the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department and thereupon the said Department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside, or modify the order of the Department.

The jurisdiction of the United States Court of Appeals for the District of Columbia to affirm, set aside, or modify such orders of the Post Office Department shall be exclusive. Such proceedings in the United States Court of Appeals for the District of Columbia shall be given precedence over other cases pending therein and shall be in every way expedited.

Jurisdiction
of Court of
Appeals, Dis-
trict of Co-
lumbia.

1752½. (a) Wherever it is found that adequate railroad facilities are not available, the Postmaster General is authorized to contract for carrying the mails and railway postal clerks on routes between points where, in his judgment, the conditions justify the operation of such service in motor vehicles especially designed and equipped for the distribution of mail en route: *Provided*, That such vehicles shall be constructed, fitted up, maintained, and operated in accordance with such specifications, rules, and regulations as he may prescribe: *Provided further*, That the Postmaster General is authorized, within his discretion, to transport and provide for the distribution of mails in Government-owned motor vehicles on such routes between points where in his judgment the conditions justify the operation of such service: *Provided further*, That all laws and regulations governing Star Route Service, not in conflict with this Act, shall be applicable to contracts made under the authority of this Act: *And provided further*, That no contract shall be awarded for a period of less than two years nor in excess of four years, and that payment for such service shall be from the appropriations for inland transportation by star routes.

Distribution of
mails on motor-
vehicle routes.
1940, July 11,
Public No. 740.

(b) The Postmaster General may, in his discretion, and in the interest of the Postal Service, and under such rules and regulations as he may prescribe, provide for the distribution of mail on motor-vehicle routes in motor vehicles specially designed and equipped for that purpose and provided for in section 1 (subparagraph (a)) of this Act: *Provided*, That the supervision and distribution of mails in motor-vehicle service, as herein provided, shall be under the jurisdiction of the Second Assistant Postmaster General, and the personnel therein shall be a part of the Railway Mail Service under the same working conditions, rates of pay, travel allowance, and other benefits applicable to railway postal clerks: *And provided further*,

That payment for such service shall be from the appropriations for Railway Mail Service salaries and railway postal clerks' travel allowance.

(c) Every individual or company carrying the mails shall carry on any vehicle it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials.

(d) The Postmaster General is authorized to promulgate such specifications, rules, and regulations as may be necessary to carry out the provisions of this Act.

CHAPTER 4

TRANSPORTATION OF MAILS BY URBAN AND INTERURBAN ELECTRIC-RAILWAY COMMON CARRIERS

Interstate
Commerce
Commission
empowered to
fix rates and
compensation.
39 U. S. C. 570.

Penalty for
refusal of rail-
road to per-
form service.

Electric-rail-
way mail pay.
Rates fixed.
—closed-pouch
service in pas-
senger car.
I. C. C. order
Aug. 7, 1920.

1753. The Interstate Commerce Commission is empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. It shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined \$100. Each day of refusal shall constitute a separate offense.

1754. That the fair and reasonable rate for transportation of closed-pouch mail on a car constructed and run primarily for passenger service, with no separate compartment for mail, baggage, and express, is 4 cents per mile of authorized car run for 10, or less than 10, pouches, sacks, and parcels. Where more than 10 pouches, sacks, and parcels are regularly tendered for transportation on one such passenger car, at any point on a mail route, the Postmaster General shall authorize not less than 60 cubic

feet of space and the fair and reasonable rate therefor is 5 cents per mile of authorized car run; and for each additional 30 cubic feet or fraction thereof, 1 cent per mile of authorized car run, over said mail route; the authorization to be determined by actual measurement where practicable, or by count of pouches, sacks, and parcels as provided in paragraph 8.

2. That the fair and reasonable rate for closed-pouch service in baggage or express cars or in baggage and express compartments in passenger cars, is 3 cents per mile of authorized car run for 30 cubic feet of space or less, and 1 cent per mile of authorized car run for each additional 30 cubic feet or fraction thereof of space authorized; the authorization to be determined by actual measurement where practicable, or by count of pouches, sacks, and parcels as provided in paragraph 8.

Rates fixed.
—closed-pouch
service in bag-
gage or express
car or com-
partment.
I. C. C. order
Aug. 7, 1920.

3. That the fair and reasonable rate for independent cars devoted to the transportation of the mails on which railroad employees handle the mails, 50 cents per car-mile of authorized travel of cars 36 feet in length, inside measurement. Where the railroad company is unable to furnish cars of the length authorized, but furnishes cars of lesser length which are accepted by the department as sufficient for the service, payment shall be made only for the actual space furnished, the compensation to be not exceeding a prorate of that provided for a 36-foot car. When cars exceeding 36 feet in length, inside measurement, are authorized and used, the compensation shall be not exceeding a prorate of that provided for a 36-foot car. In computing the car-miles of independent cars the space in both directions of an authorized round-trip car run shall be regarded as the space to be computed unless the car or any part thereof is used by the company in the return movement.

Rates fixed.
—independent
cars.
I. C. C. order
June 2, 1925.

4. That the fair and reasonable rate for railway post-office cars and railway post-office apartments in cars, in which postal employees handle the mails, 2 cents per linear foot or fraction thereof per mile of authorized travel in cars 20 feet or less in length, inside measurement, and in cars more than 20 feet in length, inside measurement, 2 cents per linear foot per mile of authorized travel for the first 20 feet and seven-eighths cent per linear foot per mile of authorized travel for each additional linear foot or fraction thereof. In computing the car-miles of full and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car shall be regarded as the space to be computed in both directions.

Rates fixed.
—R. P. O. cars
and apart-
ments.
I. C. C. order,
June 2, 1925.

5. That the minimum rate of payment on any electric railroad mail route shall be \$175 per annum.

Minimum rate
on any route.
I. C. C. order,
Aug. 7, 1920.
Emergency
space.
Method of
handling.

6. When greater amounts of mail are carried than are provided for in the regular authorizations, transportation of the excess mails will be paid for as "emergency service." The companies may submit (through the Railway Mail Service) at the close of the month an itemized statement under oath of the excess service that has been performed during the month. Such statement must show the trip (or train number if one is used), the points between

which the excess mails were carried, the distance, the date on which the service was performed, and the number of pieces of excess mails carried. The rate shall then be stated and each item extended so as to show the amount of the claim for the month. Where the regular authorization is for a closed-pouch unit the company's claim should be based on 30 cubic feet of space, or multiples thereof, at 1 cent per mile for each 30 cubic feet or fraction thereof, that being the rate for additional mails. Where the regular authorization is an independent car or railway post-office authorization the emergency service should be of a separate unit of closed-pouch service. If service becomes necessary on additional trips or in additional independent cars requisition should be had by the company from the postmaster or other representative of the department before performing the service. The company employees should carry all mail offered without further authorization on trips on which regular mail service is authorized, the company to be entitled to pay for carrying the excess mails.

Side, terminal,
or transfer
service.
I. C. C. order,
Aug. 7, 1920.

7. (a) Where the railroad companies are required by the department to perform side, terminal, or transfer service they shall be separately compensated for such service, unless the service is performed directly contiguous to railway terminals and depots. The amount to be paid therefor shall be measured by the amount paid by the railroad to contractors, plus 3 percent; and where the service is performed by agents or employees of the railroad companies the payment shall be for the value of the pro rata time of such agents or employees while engaged in rendering the service, including cost of vehicular service that may be necessary, with the addition of 3 percent.

—where the
companies con-
tract for such
service.
I. C. C. order,
Aug. 7, 1920.

(b) Where the railroad companies contract for such service contracts shall be let to the lowest bidder upon advertisement. Readjustments for such service shall be made annually. The railroad companies shall submit certified copies of each contract to the Postmaster General on or before July 1 of each year showing the rate of payment for the ensuing year, and the amounts specified in such contracts plus 3 percent shall be accepted as the basis of payment by the Postmaster General heretofore prescribed. The railroad companies shall also furnish the Postmaster General each year, on or before July 1, a detailed statement of the daily time consumed in handling the mails by their agents or employees at each point where side, terminal, or transfer service is performed, which statement shall be verified by a responsible official of the company conversant with the facts; and such verified statement shall compute the pro rata payment of the agent or employee performing the service, based on the time actually consumed, and the amount named in the statement plus 3 percent shall constitute the basis of payment for the next ensuing year, unless in special cases, and for good cause, the Postmaster General may require further statements and verifications from any particular railroad company at other periods of the year.

8. That from time to time, as often as he may deem it necessary, and at least once in two years, the Postmaster General, upon notification to the railroad, and with their presence and assistance, shall conduct tests to determine the number of pouches, sacks, and outside packages that will fill 30 cubic feet of space in a car or compartment of a car, and the results thereof shall be reflected in changes in rules, when necessary, in the count of pouches, sacks, and packages as the basis of measurement.

9. That payments for transportation of mails by electric railroads and the service connected therewith shall be made each month after the service has been performed.

10. The rates for service by urban and interurban electric-railway common carriers are as follows:

Closed-pouch service:

In passenger car without compartment—

	Per mile traveled (cents)
10 (or less) pouches, sacks, and parcels.....	4
60 cubic feet.....	5
For each additional 30 cubic feet.....	1

In baggage or express car and compartment in passenger car—

30 cubic feet.....	3
For each additional 30 cubic feet.....	1

Independent cars: 36 feet in length..... 50
(For cars of greater or less length, pro rata.)

Railway post-office cars:

	Per linear foot per mile (cents)
20 linear feet or less.....	2
Excess of 20 linear feet.....	$\frac{7}{8}$

Minimum payment on any route, \$175 per annum.

1755. Mail service on electric and cable car lines shall be established only by direct order of the Post Office Department, and no increase, decrease, or change in the service, as ordered, shall be made without first securing authority therefor from the Second Assistant Postmaster General.

1756. Any person employed by an electric or cable car company and designated by such company to handle the mail shall be considered an agent of the company and not an employee of the postal service and need not be sworn as an employee of the postal service.

1757. The compensation for transportation of the mails by electric and cable cars shall include the transportation, in cars carrying the mails or on trips designated by the Post Office Department, of employees of the postal service who accompany the mails or are necessary for and actually engaged in distributing the same, and also post-office inspectors and other duly accredited agents of the department in the discharge of their duties.

1758. All independent and trailer cars, or apartments in the same, used in the transportation of the mails on electric and cable car routes shall be of such style and so constructed, painted, lettered, equipped, furnished, heated, lighted, and maintained by

Tests to be conducted to determine carrying capacity of 30 cubic feet of space.
I. C. C. Order
Aug. 7, 1920

Payments for service to be made monthly.
I. C. C. Order
Aug. 7, 1920
Rates of pay.
I. C. C. Order
Aug. 7, 1920
and June 2, 1925.

Service authorized only by department.

Employees of companies.

—not employees of postal service.
Compensation includes carriage of employees of postal service and inspectors.

Style and equipment of cars.
—to be prescribed by department.

the companies performing such service as required by the Second Assistant Postmaster General and without expense to the Post Office Department.

Mail space in cars.
—restriction of use.
Unauthorized persons not to be admitted to.

1759. No part of the space authorized in a full car or a mail apartment of a car, on an electric or cable car line, shall be used for other than mail purposes. No person other than the duly authorized clerks, carriers, messengers, inspectors, or officers and agents of the Post Office Department shall be admitted thereto; and these shall be admitted only upon exhibition of their credentials.

Terminal, side, and transfer service.
—to be performed by railroad when ordered by department.
—separate compensation provided.

1760. Every electric and cable car company over whose line the transportation of mails is authorized, shall take the mails from and deliver them into each post office, mail station, or other point of exchange, when required to do so by the Post Office Department, the company to receive separate compensation for such service unless it is performed directly contiguous to the line. (See sec. 1754.)

Service to be performed by department, when.

2. At any point where service is not required to be performed by the company, the postmaster (if of the fourth class) may be required, where the distance to be traveled is slight, to provide for the service between the cars and the post office without expense to the department. Where the post office or mail station is located a considerable distance from the point of exchange with the cars, the department will make provision for the carriage of the mails, but where the conditions as to train service, agency, etc., are similar to those found in the railroad service the provisions of section 1738 relative to the exchange of mails shall, where practicable, apply.

Service to be performed by company, when.

Safety of mails.
—companies to provide for.

1761. Every electric or cable car company on whose line mail service is authorized shall be held responsible for the safety and security of the mail while in the care of its employees.

Safe exchange of mails.
—companies to provide for.

1762. Where necessary for a safe exchange of the mails, electric and cable car companies carrying the mails shall be required to stop their cars at such points as may be designated by the Post Office Department.

Use of sign "U. S. Mail."
—restricted.

1763. The use of the sign "U. S. Mail" or "United States Mail" shall be permitted on cars only when they are actually carrying the mails. Such sign shall be painted on cars used exclusively in the transportation of the mails. Removable signs bearing the words "United States Mail," or letters or characters of like import, shall be displayed on cars only when United States mail is being actually transported thereon.

See sec. 2355 as to penalty for unlawful use of sign "U. S. Mail."

Letter boxes on cars.
—mail therein, how considered.

1764. The use of letter boxes and the carriage of mails therein on electric or cable cars shall not be considered such mail transportation as is contemplated by the law providing for mail service on electric and cable car lines.

Power for canceling machines.
—on electric lines to be provided.

1765. Where canceling machines are used in postal cars on electric lines, the company furnishing the cars shall provide, without additional expense to the Post Office Department, such power as may be necessary to properly operate them.

1766. In case of failure on the part of an electric or cable car company to provide for the carriage of the mails in accordance with the requirements of the department, temporary mail service, by some other mode of conveyance, shall be authorized by the Second Assistant Postmaster General.

Failure of service.

—temporary service may be authorized by department.
—action of postmasters in case of.

2. In case of failure in such service postmasters shall be governed by the provisions of section 1749, applying to failure of service on steam railroads.

1767. Evidence of the performance of service by electric or cable car companies shall be submitted monthly, under oath, by the companies through the Railway Mail Service, in the form prescribed by the Post Office Department.

Companies to submit evidence of service.

CHAPTER 5

MAIL-MESSENGER SERVICE

1768. The Postmaster General may 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. (See sec. 1704.)

Authority for employment of mail-messenger service.
39 U. S. C. 578.

1769. Where mail-messenger service is deemed necessary by the Post Office Department, the postmaster at the office to be supplied shall be instructed to advertise for ten days for sealed proposals to perform the service in accordance with the specifications prepared by the department. The postmaster shall post the advertisements in the most conspicuous places in the post office, and at such other public points as will bring the matter to the attention of those likely to bid for the service. He shall give wide publicity to the advertisement.

Advertisement for proposals and posting notices.

2. When deemed advisable the transportation of the mails in covered, screened or paneled, and locked vehicles furnishing complete protection to the mails may be authorized in cities and towns without formal written contract and bond, under the rules and regulations governing ordinary mail-messenger service.

Specified equipment service.

1770. The postmaster shall receive all bids offered and, when the time of advertisement has expired, forward all of them UNOPENED and inclosed in one envelope, together with a copy of the notice posted, and a statement of the manner of giving it publicity, to the Second Assistant Postmaster General, Division of Railway Adjustments.

Postmaster to receive and forward bids to department.

Postmaster's report on bidders.

2. The postmaster shall also forward at the time he transmits the bids a specific statement of the service required and a report as to the character and suitability of the bidders on Form 2638. Bidders may forward bids direct to Post Office Department, but should inform the postmaster so that he may make proper report. (See sec. 1803.)

Designation of mail messengers.

1771. Proposals for mail-messenger service shall be opened in the office of the Second Assistant Postmaster General, and the lowest bidder, if in all other respects acceptable, shall be designated as mail messenger. The right is reserved to reject any and all bids. A formal written contract, with bond, is not required.

Postmaster to notify party designated.

2. Notice of the designation of a mail messenger shall be sent to the postmaster, who, on its receipt, shall immediately notify the party designated to begin service on the date mentioned in the notice, and the retiring messenger of the date he is to be released.

Mail messenger not designated for fixed period. No increase of pay for additional service.

3. A mail messenger shall be expected to continue the performance of service indefinitely at the compensation specified or until his employment is terminated by proper notice or order. No increase of pay under the designation shall be allowed for additional trips performed, increase in distance, or for increase in the weight of mails carried between the points named in the order designating the mail messenger. (See sec. 1775.)

Postmasters and employees at third and fourth class offices may contract for mail-messenger service.
—limitation.
- 39 U. S. C. 579.

1772. In the discretion of the Postmaster General, postmasters, assistant postmasters, and clerks at post offices of the third class, and postmasters, assistant postmasters, and clerks at post offices of the fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service. The total amount payable under such contract to any postmaster, assistant postmaster, or clerk shall not exceed \$300 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (See par. 2.)

2. Post-office employees at post offices of all classes not named in the preceding paragraph may also, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service, provided the total amount paid under such contract shall not exceed \$300 in any one fiscal year, except that special-delivery carriers may receive in excess of \$300 for mail-messenger service in any one fiscal year, and provided further that the total amount paid to any employee for such dual service in any one fiscal year shall not exceed \$2,000.

See 39 U. S. C. 136, and decisions of Comptroller General thereunder.

3. Members of the immediate families of postmasters, assistant postmasters, and clerks at third and fourth class post offices may, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service provided the total amount paid under such contract shall not exceed \$300 in any one fiscal year.

Member of immediate family may contract for mail-messenger service within limitation.

NOTE.—The words "immediate family" as used in the section are construed to mean persons who are members of the same household, or where one person is dependent upon the other for support. Under other circumstances blood relatives are not held to be members of the same immediate family.

Note.

4. In exceptional cases, postmasters at offices of the fourth class may be required, without additional compensation, to transport the mails between their offices and railroad stations or other points of exchange where the distance between the post office and point of exchange is not greater than 80 rods and the mails are not of such volume or character as to require the use of a motor or horse-drawn vehicle for their carriage.

Postmasters required to carry mails without additional pay, when.

See sec. 38 as to extra duties; sec. 65 as to employees interested in mail contracts; sec. 1708 as to restriction upon postmasters and postal employees with regard to mail contracts; sec. 2334 as to penalty for being interested in contract or acting as agent for contractor.

1773. The postmaster shall not extend the service of a mail messenger beyond the limits of that named in the advertisement and notice of designation without express authorization from the Post Office Department.

Extension of service forbidden without authority.

1774. The postmaster shall instruct the mail messenger in regard to the performance of his duties, prescribe schedules of arrivals and departures for the service (allowing reasonable running time for the trips), and require the messenger to receive and deliver the mails in case of delayed incoming or outgoing trains or boats. (See secs. 1742 to 1744.)

Duties of postmasters in connection with service.
—to instruct messenger and prescribe schedule.

2. The postmaster shall keep accurate record of all failures to perform trips and of all other delinquencies or irregularities, and the resulting delays or injuries therefrom, and report the same, stating the cause or causes therefor accompanied by the mail messenger's explanation thereof, to the Second Assistant Postmaster General, Division of Railway Adjustments. No fines shall be imposed without authority from the Second Assistant Postmaster General.

—to report failures, delinquencies, etc.

3. Postmasters shall report promptly to the Second Assistant Postmaster General, Division of Railway Adjustments, when mail-messenger service ceases to be necessary or when the cost of service can be reduced by a readvertisement of the route. When a change in the location of the post office or the railroad station materially affects the performance of mail-messenger service, postmasters shall promptly report all the facts and ask for any necessary instructions and shall not, because of any such a change, discontinue mail-messenger service without instructions to do so from the Second Assistant Postmaster General.

—to report when service ceases to be necessary or when cost can be reduced.

—to report death or resignation of messenger or abandonment of service.

Age of mail messengers.

—messenger must reside on or contiguous to the route.

Messenger may employ assistants.

—to be paid by regular messenger.

Oath.

No payment for unauthorized service.

Resignation.

Messenger can not assign or sublet.

Duties of mail messengers.
—to receive and deliver mail.

—perform service in accordance with schedules.

4. If a mail messenger dies, resigns, or abandons the service for any reason the postmaster shall at once report the facts to the Second Assistant Postmaster General, Division of Railway Adjustments.

See sec. 1777, par. 2, as to employment of temporary service.

1775. Mail messengers shall be not under 16 years of age, and shall be suitable to be intrusted with the care and custody of the mails.

2. No bid for carrying the mail on a mail-messenger route shall be considered unless the bidder resides on or contiguous to the route on which the service is to be performed, or shall file with his bid an agreement that in the event of the service being awarded to him he will reside on or contiguous to said route. Mail messengers shall give personal attention to the performance of the service.

3. When necessary, the mail messenger may employ at his own expense assistant mail messengers, who shall conform in all respects to the requirements applying to the mail messenger himself. All assistant messengers must meet with the approval of the postmaster having jurisdiction over the service and take the oath required by section 30. When a mail messenger is absent from duty for short periods, and an assistant messenger is employed, the assistant's services shall be paid for by the regular messenger.

4. The postmaster shall at once forward to the Second Assistant Postmaster General, Division of Railway Adjustments, the certificate of oath required by section 30, of all regular and assistant messengers.

5. No person shall be paid by the Post Office Department for mail-messenger service unless the employment of such service has been previously authorized. (See secs. 1708 and 1773.)

6. A mail messenger may resign at any time by giving the Second Assistant Postmaster General written notice 45 days before the time he intends to cease service. (See secs. 1777 and 1778.)

7. A mail messenger shall not assign or sublet the service.

1776. Mail messengers shall receive the mails from and deliver them into post offices and from and into mail cars and on board steamboats when such cars or boats are accessible. They shall also deliver and receive mails at mail cars though not accessible to the messenger's vehicle where mail trains arrive at times when there is no railroad representative on duty, the railroad company to furnish the trucks if trucking is necessary, and shall deliver and receive mail at the mail cars though not accessible to the messenger's vehicle or place them on cranes where a railroad representative is on duty if the volume of mail is relatively small and can be readily handled by the messenger by hand on one trip. Otherwise when cars or boats are not accessible to the messenger's vehicle, the mails shall be delivered to and received from the railroad or steamboat employees at the nearest accessible point. The service shall be performed in accordance with the schedules of arrivals and departures prescribed by the postmaster. (See secs. 1742 and 1745.)

2. The mail messenger shall guard the pouches and other mail in his custody from theft or injury, and shall obey all orders and regulations or special instructions from the Post Office Department or the postmaster affecting the mail-messenger service.

—to guard mail and observe orders and instructions.

3. When for any reason the mail messenger is unable to make proper dispatch of mails in his custody, or there is a failure to catch pouch from crane, the mail messenger shall return and deliver the mails into the post office and notify the postmaster. Mail messengers shall not be permitted to retain mails in their homes.

1777. Where temporary service becomes necessary prior to the establishment of mail-messenger service, the postmaster shall apply to the Second Assistant Postmaster General, Division of Railway Adjustments, for authority to employ such service, stating the necessity for the same and the lowest obtainable rate per annum at which it can be secured. The Second Assistant Postmaster General, if he deems it necessary, shall issue instructions to the postmaster authorizing the employment of such service. No payment shall be made for such service unless it has been previously authorized by the Second Assistant Postmaster General. (See sec. 1775.)

Temporary new mail-messenger service.

—authorization of.

2. In the event a mail messenger, for any reason, fails to provide service on an established route, the postmaster may employ such temporary service as may be necessary, *at not exceeding the rate at which service on the route was authorized*. If the necessary temporary service on the route cannot be secured at such rate, the postmaster shall ascertain the lowest obtainable rate for such service and report the same at once by wire if necessary, with a statement of its necessity, to the Second Assistant Postmaster General, Division of Railway Adjustments, and await instructions.

Temporary mail-messenger service. —how employed.

—when not obtainable at regular rate.

3. The postmaster shall immediately report the employment of temporary service to the Second Assistant Postmaster General, Division of Railway Adjustments.

—report of employment of.

1778. Postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails.

Postmasters authorized to pay mail messengers. 39 U. S. C. 50.

2. Mail messengers shall be paid monthly by the postmaster having supervision over the service. When the services of a mail messenger terminate for any reason final payment shall be deferred until notification is received from the Second Assistant Postmaster General authorizing such payment.

Payment for mail-messenger service. —how made.

3. Postmasters shall report and certify to the performance of mail-messenger service upon Form 2242, furnished by the department, strictly in accordance with instructions printed thereon.

Reports of performance of service.

(See secs. 1855 and 1856.)

1779. Mail messengers shall keep lists of all pouches due to be received and dispatched by them, and verify all pouches by the lists at the time of receipt or dispatch, except where the only

Record of pouches due to be received and dispatched.

pouches handled are in exchange between the post office and a train or a boat and not more than one pouch is involved in either direction at a time. If any regular pouch is not received and the cause of the failure is not known the division superintendent or chief clerk of Railway Mail Service shall be notified by telegraph. A copy of the report shall be attached to and become a part of the permanent pouch record.

See secs. 745 and 762 as to record of pouches to be kept at post offices; sec. 1734, by railroad companies; sec. 2065, by railway postal clerks.

CHAPTER 6

SERVICE BY PNEUMATIC TUBES OR SIMILAR DEVICES

Pneumatic tubes and similar devices.
39 U. S. C. 423.

Contracts for service.

Advertisement for bids after investigation by commission.

—form of advertisement.

—awarding of contract.

1780. The Postmaster General may enter into contracts not exceeding in the aggregate \$1,388,759 for the transmission of mail by pneumatic tubes or other similar devices for a period not exceeding ten years, after public advertisement once a week for a period of six consecutive weeks in not less than five newspapers, one of which shall be published in each city where the service is to be performed. Contracts for this service shall be subject to the provisions of the Postal Laws and Regulations relating to the letting of mail contracts, except as herein otherwise provided, and no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials, to be named by him; nor shall such advertisement issue until in the judgment of the Postmaster General the needs of the Postal Service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

2. The Postmaster General shall have the right to reject any and all bids; no contract shall be awarded except to the lowest responsible bidder, tendering full and sufficient guaranties, to the satisfaction of the Postmaster General, of his ability to perform satisfactory service, and such guaranties shall include an approval bond in double the amount of the bid.

3. No contract shall be entered into in any city for the character of mail service herein provided which will create an aggregate annual rate of expenditure, including necessary power and labor to operate the tubes, and all other expenses of such service in excess of four per centum of the gross postal revenue of said city for the last preceding fiscal year.

—limit of
annual
expenditure.

4. In the city of New York, including the borough of Brooklyn, the annual rate of expenditure for the transmission of mail by such tubes or devices, including power, labor, and all operating expenses, shall not exceed \$18,500 per mile of double line of tubes or such other sum not exceeding \$19,500 per mile as may have been prescribed by the Interstate Commerce Commission under the act of June 19, 1922, chapter 227.

Service in New
York, N. Y.,
and Brooklyn,
N. Y.

5. No contract shall be made in any other city providing for three miles or more of double lines of tube which shall involve an expenditure in excess of seventeen thousand dollars per mile per annum, and said compensation shall cover power, labor, and all operating expenses.

—expenditure
shall cover
power, etc.

6. Only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the Postal Service. Said service shall not be extended in any cities other than those in which the service was under contract under authority of Congress on March 2, 1907, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Maryland; Cincinnati, Ohio; Kansas City, Missouri; Pittsburgh, Pennsylvania; and San Francisco, California.

—extension of
service pro-
hibited.
—exception.

1781. The general provisions relating to contract service, chapter 8, this title, shall apply, so far as pertinent, to the pneumatic-tube service.

General provi-
sions to apply.

CHAPTER 7

AIR MAIL SERVICE

1782. (a) (1) If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this chapter, shall show that, from May 14, 1938, until the effective date of this section, it, or its predecessor in interest, was an air carrier, continuously operating as such (except as to

Existing air
carriers.
49 U. S. C. 481,
Supp. V.

interruptions of service over which the applicant or its predecessor in interest had no control), the Authority, upon proof of such fact only, shall, unless the service rendered by such applicant for such period was inadequate and inefficient, issue a certificate or certificates, authorizing such applicant to engage in air transportation (A) with respect to all classes of traffic for which authorization is sought, except mail, between the terminal and intermediate points between which it, or its predecessor, so continuously operated between May 18, 1938, and the effective date of this section, and (B) with respect to mail and all other classes of traffic for which authorization is sought, between the terminal and intermediate points between which the applicant or its predecessor was authorized by the Postmaster General prior to the effective date of this section, to engage in the transportation of mail: *Provided*, That no applicant holding an air-mail contract shall receive a certificate authorizing it to serve any point not named in such contract as awarded to it and not served by it prior to April 1, 1938, if any other air carrier competitively serving the same point under authority of a contract as awarded to such air carrier shall prove that it is adversely affected thereby, and if the Authority shall also find that transportation by the applicant to and from such point is not required by the public convenience and necessity.

(2) If paragraph (1) of this subsection does not authorize the issuance of a certificate authorizing the transportation of mail between each of the points between which air-mail service was provided for by the act of Congress making appropriations for the Treasury Department and the Post Office Department, approved March 28, 1938, the Authority shall, notwithstanding any other provision of this chapter, issue certificates authorizing the transportation of mail, and all other classes of traffic for which authorization is sought, between such points, namely, (A) from Wichita, Kansas, to Pueblo, Colorado, via intermediate cities; (B) from Bismarck, North Dakota, to Minot, North Dakota; (C) from Detroit, Michigan, to Sault Sainte Marie, Michigan, via intermediate cities; (D) from Brownsville, Texas, via Corpus Christi, to Houston to San Antonio, Texas; (E) from Phoenix, Arizona, to Las Vegas, Nevada, via inter-

mediate cities; (F) from Jacksonville, Florida, to New Orleans, Louisiana, via intermediate cities; (G) from Tampa, Florida, to Memphis, Tennessee, via intermediate cities and from Tampa, Florida, to Atlanta, Georgia, via intermediate cities (which projects have been advertised); and (H) by extension from Yakima, Washington, to Portland, Oregon; and (I) by extension from Grand Rapids, Michigan, to Chicago, Illinois.

(b) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require. A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Authority shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States. No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency, under regulations which may be prescribed by the Authority, between terminal and intermediate points other than those specified in its certificate. Any air carrier may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the Authority.

(c) Whenever so authorized by its certificate, any air carrier shall provide necessary and adequate facilities and service for the transportation of mail, and shall trans-

Terms and conditions of certificate.

Requirement as to carriage of mail.

port mail whenever required by the Postmaster General. Such air carrier shall be entitled to receive reasonable compensation therefor as hereinafter provided.

Application
for new mail
service.

(d) Whenever, from time to time, the Postmaster General shall find that the needs of the Postal Service require the transportation of mail by aircraft between any points within the United States or between the United States and foreign countries, in addition to the transportation of mail authorized in certificates then currently effective, the Postmaster General shall certify such finding to the Authority and file therewith a statement showing such additional service and the facilities necessary in connection therewith, and a copy of such certification and statement shall be posted for at least twenty days in the office of the secretary of the Authority. The Authority shall, after notice and hearing, and if found by it to be required by the public convenience and necessity, make provision for such additional service, and the facilities necessary in connection therewith, by issuing a new certificate or certificates or by amending an existing certificate or certificates in accordance with the provisions of this section.

Continuation
and termina-
tion of mail
contracts,
49 U. S. C. 485,
Supp. V.

2. (a) Each contract between the United States and any person for the carriage of mail, entered into or continued under the provisions of the Air Mail Act of 1934, as amended, and each contract for the carriage of mail by aircraft in Alaska, shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance to the holder of such contract of a certificate of public convenience and necessity authorizing the transportation of mail by aircraft between the points covered by such contract, or upon the failure of the holder of such contract to apply for such certificate within one hundred and twenty days after the date of enactment of this chapter, or upon a determination by the Authority that such certificate should not be issued. Until the Authority fixes rates under section 486 of this chapter, the Postmaster General shall pay compensation for the transportation of mail by aircraft at the rates provided by each such contract or, where rates have been heretofore or shall hereafter be fixed by orders of the Interstate Commerce Commission, pursuant to proceedings instituted prior to the date of enactment of this chapter, shall pay compensation for such transpor-

tation in accordance with such orders as if this chapter had not been enacted.

(b) Each contract between the United States and any person heretofore entered into under the provisions of the act of March 8, 1928, as amended (45 Stat. 248), shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance of a certificate of public convenience and necessity to the holder of such contract authorizing the transportation of mail by aircraft between the points covered by such contract, or upon the effective date of any order of the Authority hereunder fixing a fair and reasonable rate of compensation for the transportation of mail by aircraft between the points covered by such contract, whichever is later, or upon the failure of the holder of such contract to apply for such certificate within one hundred and twenty days after the date of enactment of this chapter, or upon a determination by the Authority that such certificate should not be issued.

Continuation
and termina-
tion of foreign
mail contracts.

(c) Upon the cancelation, pursuant to the provisions of this chapter, of any contract for the transportation of mail by aircraft, the bond or bonds required from the holder thereof shall terminate and cease to be effective, and such holder and his or its surety or sureties thereon shall be released and discharged from all obligations thereunder, and all securities deposited with such bond or bonds shall forthwith be returned to such holder: *Provided*, That the foregoing provision shall not be construed to terminate or make ineffective any bond or bonds of such holder, or to release or discharge from any obligation thereunder such holder or his or its surety or sureties thereon, in respect of any matter arising prior to the date of the cancelation of such contract, and such holder or his or its surety or sureties thereon shall not be released or discharged prior to disposition of any such matter: *Provided further*, That nothing in this chapter shall be construed to affect any right which may have accrued to any air carrier prior to the date of the cancelation, pursuant to the provisions of this chapter, of any contract for the transportation of mail by aircraft.

Termination
of bonds.

(d) The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this chapter, or any order, rule, or regulation

Rules and
regulations.

made by the Authority thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft.

P. M. G. regulations.

(1) Carriers will transport the mail on the route specified in the certificate of convenience and necessity issued by the Civil Aeronautics Authority and on the schedules selected by the Postmaster General in accordance with section 485 (e) of the aforesaid chapter. In case of cancelation, carriers will be held responsible for the prompt transportation of the mail to the nearest post office or train from whence it can be given the most expeditious dispatch to destination.

(2) Carriers will furnish adequate and suitable quarters at such air-mail stops on the routes as may be necessary to receive, transfer, dispatch, and distribute mail; such quarters will conform to specifications prepared by the Department.

(3) Carriers will truck the mail between such points as may be necessary in emergencies caused by unscheduled stops, unscheduled operation including cancelations of trips either enroute or at termini.

(4) Carriers will keep postal officials and employees concerned fully informed regarding any irregularity in the operation of service on their routes.

(5) Carriers will be required to maintain approved schedules except where prevented from doing so by weather and providential causes. They will make the connections between planes of other routes as required and will observe such holding orders as may be prescribed by authorized officials of the Post Office Department.

(6) Carriers will be required to promptly answer all official correspondence from officials of the Post Office Department.

(7) All pilots and other employees of air lines having access to or engaged in the handling of mail at any time will take the required oath of office.

(8) Carriers will keep such records and transmit such reports as may be necessary for the Postmaster General to make prompt and proper accounting for the transportation of the mail on air routes and for other services connected therewith. They will utilize standard forms issued by the Department and will promptly transmit same on completion to the Department or to the authorized field representative.

(9) The Post Office Department will pay the rates prescribed by the Civil Aeronautics Authority for the transportation of air mail. The mileage on which payment will be based for service by planes and for service by automobiles, trucks, and other modes of conveyance will be that prescribed by the Civil Aeronautics Authority.

(10) Carriers will be required to protect mails in their custody from both weather and from depredation.

(11) In case of a crash, the carriers will promptly notify the specified postal officials by wire, radio, or telephone, in accordance with instructions to be hereafter specified.

(12) Mail shall be given priority over all other forms of traffic, not only in the matter of transportation but also in unloading and transfer to the connecting air line, the designated postal representative, or the air-mail field.

(13) Mail compartments will conform to specifications issued by the Postmaster General.

(14) Carriers will be required to promptly inform the Department of any failures on the part of the postal service or any of its employees and to report negligence in the performance of duties or any other irregularity on the part of postal employees.

(15) Air carriers who transport mail will carefully observe all rules and regulations issued by the Post Office Department and will be required to take cognizance of and comply with all postal laws and regulations covering the transportation of mail and to be guided by such portions thereof as are not inconsistent with the provisions of the Civil Aeronautics Act or the interpretation made thereof and the rulings made thereunder by the Civil Aeronautics Authority. They will be subject to fines and deductions for failure to do so.

(16) Specific rules and regulations hereafter issued will be numbered and will be known as air-mail regulations. For convenience in reference, the abbreviated letters "AMR" will be utilized.

(e) Each air carrier shall, from time to time, file with the Authority and the Postmaster General a statement showing the points between which such air carrier is authorized to engage in air transportation, and all schedules, and all changes therein, of aircraft regularly operated by the carrier between such points, setting forth in respect of each such schedule the points served thereby and the time of arrival and departure at each such point. The Postmaster General may designate any such schedule for the transportation of mail between the points between which the air carrier is authorized by its certificate to transport mail, and may, by order, require the air carrier to establish additional schedules for the transportation of mail between such points. No change shall be made in any schedules designated or ordered to be established by the Postmaster General except upon ten days' notice thereof filed as herein provided. The Postmaster General may by order disapprove any such change or alter, amend, or modify any such schedule or change. No order of the Postmaster General under this subsection shall become effective until ten days after its issuance. Any person who would be aggrieved by any such order of the Postmaster General under this subsection may,

Mail schedules.

49 U. S. C. 485,
Supp. V.

before the expiration of such ten-day period, apply to the Authority, under such regulations as it may prescribe, for a review of such order. The Authority may review, and, if the public convenience and necessity so require, amend, revise, suspend, or cancel such order; and, pending such review and the determination thereof, may postpone the effective date of such order. The Authority shall give preference to proceedings under this subsection over all proceedings pending before it. No air carrier shall transport mail in accordance with any schedule other than a schedule designated or ordered to be established under this subsection for the transportation of mail.

Maximum mail load.

(f) The Authority may fix the maximum mail load for any schedule or for any aircraft or any type of aircraft; but, in the event that mail in excess of the maximum load is tendered by the Postmaster General for transportation by any air carrier in accordance with any schedule designated or ordered to be established by the Postmaster General under subsection (e) of this section for the transportation of mail, such air carrier shall, to the extent such air carrier is reasonably able as determined by the Authority, furnish facilities sufficient to transport, and shall transport, such mail as nearly in accordance with such schedule as the Authority shall determine to be possible.

Tender of mail.

(g) From and after the issuance of any certificate authorizing the transportation of mail by aircraft, the Postmaster General shall tender mail to the holder thereof, to the extent required by the Postal Service, for transportation between the points named in such certificate for the transportation of mail, and such mail shall be transported by the air carrier holding such certificate in accordance with such rules, regulations, and requirements as may be promulgated by the Postmaster General under this section.

Evidence of performance of mail service.

(h) Air carriers transporting or handling United States mail shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the

amount of such mails transported or handled, and the compensation payable and received therefor.

(i) In the event of emergency caused by flood, fire, or other calamitous visitation, the Postmaster General is authorized to contract, without advertising, for the transportation by aircraft of any or all classes of mail to or from localities affected by such calamity, where available facilities of persons authorized to transport mail to or from such localities are inadequate to meet the requirements of the Postal Service during such emergency. Such contracts may be only for such periods as may be necessitated, for the maintenance of mail service, by the inadequacy of such other facilities. No operation pursuant to any such contract, for such period, shall be air transportation within the purview of this act. Payment of compensation for service performed under such contracts shall be made, at rates provided in such contracts, from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts.

Emergency
mail service.

(j) Nothing contained in this Act shall be construed to repeal in whole or in part the provisions of section 6 of the Act entitled "An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes," approved April 15, 1938. The transportation of mail under contracts entered into under such section shall not, except for sections 401 (1) and 416 (b), be deemed to be "air transportation" as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act.

1940, July 2,
Public, No. 721.

See sec. 1783 as to contracts for inaccessible routes.

(k) Every air carrier carrying the mails shall carry on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and such duly accredited agents and officers of the Post Office Department, and post office inspectors, while traveling on official business relating to the transportation of mail by aircraft, as the Authority may by regulation prescribe, upon the exhibition of their credentials.

Free travel for
postal em-
ployees.
49 U. S. C. 485,
Supp. V.

3. (a) The Authority is empowered and directed, upon its own initiative or upon petition of the Postmaster General or an air carrier, (1) to fix and determine from

Authority to
fix rates.
49 U. S. C. 486,
Supp. V.

time to time, after notice and hearing, the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith (including the transportation of mail by an air carrier by other means than aircraft whenever such transportation is incidental to the transportation of mail by aircraft or is made necessary by conditions of emergency arising from aircraft operation), by each holder of a certificate authorizing the transportation of mail by aircraft, and to make such rates effective from such date as it shall determine to be proper; (2) to prescribe the method or methods, by aircraft-mile, pound-mile, weight, space, or any combination thereof, or otherwise, for ascertaining such rates of compensation for each air carrier or class of air carriers; and (3) to publish the same; and the rates so fixed and determined shall be paid by the Postmaster General from appropriations for the transportation of mail by aircraft.

Rate-making
elements.

(b) In fixing and determining fair and reasonable rates of compensation under this section, the Authority, considering the conditions peculiar to transportation by aircraft and to the particular air carrier or class of air carriers, may fix different rates for different air carriers or classes of air carriers, and different classes of service. In determining the rate in each case, the Authority shall take into consideration, among other factors, the condition that such air carriers may hold and operate under certificates authorizing the carriage of mail only by providing necessary and adequate facilities and service for the transportation of mail; such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law; and the need of each such air carrier for compensation, for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense.

(c) Any petition for the fixing of fair and reasonable rates of compensation under this section shall include a statement of the rate the petitioner believes to be fair and reasonable. The Postmaster General shall introduce as part of the record in all proceedings under this section a comprehensive statement of all service to be required of the air carrier and such other information in his possession as may be deemed by the Authority to be material to the inquiry.

Statement of
Postmaster
General and
carrier.

(d) The Postmaster General may weigh the mail transported by aircraft and make such computations for statistical and administrative purposes as may be required in the interest of the mail service. The Postmaster General is authorized to employ such clerical and other assistance as may be required in connection with proceedings under this chapter. If the Authority shall determine that it is necessary or advisable, in order to carry out the provisions of this chapter, to have additional and more frequent weighing of the mails, the Postmaster General, upon request of the Authority, shall provide therefor in like manner, but such weighing need not be for continuous periods of more than thirty days.

Weighing of
mail.

(e) Except as otherwise provided in section 485 (k), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Air Mail Act of 1934, as amended, and the unexpended balances of all appropriations available for the transportation of mail by aircraft in Alaska, shall be available, in addition to the purposes stated in such appropriations, for the payment of compensation by the Postmaster General, as provided in this chapter, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the continental United States or between points in Hawaii or in Alaska or between points in the continental United States and points in Canada within one hundred and fifty miles of the international boundary line. Except as otherwise provided in section 485 (k), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the act of

Availability of
appropriations.

March 8, 1928, as amended, shall be available, in addition to the purposes stated in such appropriations, for payment to be made by the Postmaster General, as provided by this chapter, in respect of the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the United States and points outside thereof, or between points in the continental United States and Territories or possessions of the United States, or between Territories or possessions of the United States.

Safety and
postal offenses.
49 U. S. C. 621,
Supp. V.

4. (a) Any person who violates (1) any provision of subchapters V, VI, and VII of this chapter, or any provision of subsection (a) (1) of section 181 of this title, or (2) any rule or regulation issued by the Postmaster General under this chapter, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation. Any such penalty may be compromised by the Authority or the Postmaster General, as the case may be. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

Liens.

(b) In case an aircraft is involved in such violation and the violation is by the owner or person in command of the aircraft, such aircraft shall be subject to lien for the penalty: *Provided*, That this subsection shall not apply to a violation of a rule or regulation of the Postmaster General.

Effectiveness
of existing
orders, regula-
tions, and so
forth.

49 U. S. C. 678,
Supp. V.

5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Department of Commerce, or the Postmaster General, or any court of competent jurisdiction, under any provision of law repealed or amended by this chapter, or in the exercise of duties, powers, or functions transferred to the Authority by this chapter, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Authority, or by any court of competent jurisdiction, or by operation of law.

Pending ad-
ministrative
proceedings.

(b) The provisions of this chapter shall not affect any proceedings pending before the Secretary of Commerce

or the Postmaster General, or proceedings pending before the Interstate Commerce Commission for the determination of rates for the transportation of air mail by aircraft, on the date of the enactment of this chapter; but any such proceedings shall be continued, orders therein issued, appeals therefrom taken, and payments made by the Postmaster General pursuant to such orders, as if this chapter had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Authority or by operation of law: *Provided*, That the rates determined by the Interstate Commerce Commission shall be determined without regard to that portion of section 469d (e) of this title, which provides as follows: "which, in connection with the rates fixed by it for all other routes, shall be designed to keep the aggregate cost of the transportation of air mail on and after July 1, 1938, within the limits of the anticipated postal revenue therefrom."

(c) The provisions of this chapter shall not affect suits commenced prior to the date of the organization of the Authority; and all such suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this chapter had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, or duties from such agency or officer to the Authority under the provisions of this chapter, but the court, upon motion or supplemental petition filed at any time within twelve months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Authority.

Pending
judicial pro-
ceedings.

6. Such other definitions, sections, or subsections, or any part thereof, of the Civil Aeronautics Act of 1938, directly or indirectly applicable to the Air Mail Service, are hereby incorporated as a part of the Postal Laws and Regulations by this reference, and will be observed accordingly.

Definitions.

7. Postmasters and other postal officials shall keep such records and shall submit such reports as may be required for the transaction of air-mail business.

Records and
reports.

CHAPTER 8

STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE
SERVICE IN CITIES

ESTABLISHMENT OF SERVICE

Carrying mails
on plank roads.
39 U. S. C. 486.
—contracts
for.

Contracts for
inaccessible
routes.
39 U. S. C. 470,
Supp. V.

1783. 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.

2. Whenever he shall find it to be in the public interest, because of the nature of the terrain and the impracticability of surface transportation, the Postmaster General may award contracts for the transportation of any or all classes of mail by airplane upon star routes not over two hundred airplane-miles in length by direct flight between termini, payment for such service to be made from the appropriation for inland transportation by star routes: *Provided*, That all laws and regulations not in conflict with this section governing star routes shall be applicable to contracts made under the authority of this section: *Provided further*, That the base rate of pay which may be allowed in awarding such contracts shall not exceed 20 cents per airplane-mile for a load not exceeding two hundred and fifty pounds of mail, and not exceeding 1 cent per airplane-mile for each twenty pounds of mail carried in excess of the two hundred and fifty-pound limit, except that in the discretion of the Postmaster General a higher base rate of pay may be allowed in awarding contract for carrying mail over circuitous routes of less than seventy-five miles in length: *And provided further*, That the provisions of the Act of June 12, 1934 (48 Stat. 933), as amended by the Act of August 14, 1935 (49 Stat. 614), shall not apply to the transportation of mail under this section: *And provided further*, That the Postmaster General shall not award more than five contracts for the transportation of mail under the authority of this section.

Carrying mails
on canals.
39 U. S. C. 485.
—contracts
for.

1784. 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.

1785. 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.

See sec. 1828 as to employment of special service.

1786. 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.

1787. 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.

1788. When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between the 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.

2. The Postmaster General may, in his discretion, contract for a period of not exceeding four years, without advertisement therefor, for the carriage of all classes of mail, by steamboat or other powerboat of United States registry, on the route from Seward, by points on Kenai Peninsula, Kodiak Island, Alaska Peninsula, the Aleutian Islands to Umnak Island, and points on Bristol Bay, Alaska, and vicinity, and back, by a schedule and under the conditions prescribed by the Postmaster General; the contractor to furnish and use in the service a safe and

Special offices not on established routes.
39 U. S. C. 489.
Compensation to carriers.

Carriage of mails by steamboat or vessel.
39 U. S. C. 487.

Contracts for service upon domestic water routes where service is new.
39 U. S. C. 449.
—how made.
—duration of.

Contracts for service upon domestic water routes where service has been previously performed.
39 U. S. C. 449.
—duration of
—how made.

Compensation.

Alaska contract requiring boat adequate for mail, passengers, and freight.
39 U. S. C. 487a.
Supp. V.

seaworthy boat of sufficient size to provide adequate space for mail, passengers, and freight, the annual cost not to exceed \$125,000, payment therefor to be made from the appropriation for powerboat service.

Combined inland and foreign service.
39 U. S. C. 424.

—contracts for, when may be made.

Mails to be carried as freight or express.
39 U. S. C. 450.

—when.

Contracts for vehicular transportation.
—character of service.

1789. 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.

1790. When there is no competition on a route and the rate of compensation asked is excessive, or no proposal is received, the Postmaster General may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of \$500. Each day of refusal shall constitute a separate offense.

1791. When deemed advisable the Postmaster General may enter into formal written contract for transporting the mails in cities in regulation screen vehicles between post offices; between post offices and railroad stations; between the post office and terminal railway post offices; between the post office and steamboat landings; between the post office and mail stations; between the post office and points of exchange with electric or cable cars or like points, and between the several post offices, railroad stations, terminal railway post offices, steamboat landings, mail stations, or points of exchange with electric or cable cars in cities and towns, and may also enter into formal written contracts for furnishing specified equipments for use in the delivery and collection of mail, for use in the delivery, collection, and transportation of mail, and for the delivery and collection of mail in combination with contracts for ordinary regulation screen-vehicle service.

Note.

NOTE.—This class of service is usually performed under a formal written contract, with bond, and in accordance with specifications prescribing the equipment and the requirements of the service. Such mail-messenger and transfer service as is herein indicated is distinguished from the "mail-messenger service" provided for in chapter 5 this title in the foregoing particular.

Authorization of service.
—advertisement.

1792. Vehicle service under formal contract in cities shall be authorized after public advertisement in which special instructions with regard to the requirements of the service, the style and character of the equipment to be used, and the general provisions of the contract shall be stated.

ADVERTISEMENT AND PROPOSALS FOR CONTRACT SERVICE

1793. The United States shall be divided into four contract sections. A general letting for one of these sections shall occur every year, and contracts may be made for four consecutive years, commencing on the first day of July. The sections are:

First. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, and West Virginia.

Second. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Puerto Rico, and Virgin Islands.

Third. Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, and Oklahoma.

Fourth. Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Alaska, and Hawaii.

1794. The Postmaster General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post office named in said advertisements for at least sixty days before the time of such general lettings, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

See sec. 1790 for provision for requiring carriage as freight or express where there is no competition, or the compensation asked is excessive, or no proposal is received.

1795. After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest responsible bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service.

See secs. 1847 and 1848 as to temporary service.

Contract sections.
—division of United States into.

General mail lettings.
39 U. S. C. 421.
—advertisements for.

Miscellaneous mail lettings.
39 U. S. C. 422.
1940, May 31,
Public, No. 538.
—before general advertisement.
—advertisement for.

Term of contracts.

Miscellaneous
mail lettings
defined.

1796. The lettings of 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, shall be denominated "miscellaneous mail lettings," and shall be made under bulletin advertisement to cover the mail service on such routes until the expiration of the contract term, when the service, if continued, shall be embraced in the general advertisement.

Proposals to be
accompanied by
bond.
39 U. S. C. 426.
Conditions of
bond.

1797. 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.

—that service
shall be per-
formed.

—liability for
failure.

Proposals with-
out bond not to
be considered.
Oath of bidder.
—what to con-
tain.

Notes.

Bond of surety
companies.
—postmaster's
approval not
required.
Effect of pro-
posal bond.

NOTES.—When a bond is executed by a surety company acceptable on bonds to the United States, the approval of a postmaster is not required. (See sec. 71.)

A proposal bond given by a bidder for a contract for carrying the mails * * * is an absolute undertaking to pay the amount named therein as liquidated damages in case of condition broken, and not one of indemnity or security to the Government against loss or damage for breach of contract, and in an action thereon the actual damages cannot be inquired into. (145 Federal Reporter, 895; 151 id., 534.)

See sec. 2360 as to penalty for false approval of bond by postmaster.

1798. Before the bond of a bidder, (for carrying the mail) * * * 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 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. (See 18 U. S. C. 231.)

Sureties on bonds of bidders.
39 U. S. C. 427.
—oath to be taken by.
—qualification of.

—interrogatories to be answered by.

Penalty for false swearing.

NOTE.—When a bond is executed by a surety company acceptable on bonds to the United States, the above oath and interrogatories are not required. (See sec. 71.)

Note.
—surety companies.

1799. Proposals for carrying the mails shall be made on the forms prescribed by the Postmaster General, and bidders for service on star and steamboat or other powerboat routes shall propose to transport the mails with "celerity, certainty, and security." (See sec. 1807.)

Form of proposals.

2. A proposal altered in any of its essential terms shall not be considered in competition with proposals submitted in proper form.

—not to be altered.

1800. 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 notice in writing of such withdrawal.

Delivery and opening of proposals.
39 U. S. C. 425.
Before whom opened.

Withdrawal of proposals.

Proposals.
—when not to
be considered.

1801. Proposals submitted in response to a general or miscellaneous advertisement, received at the Post Office Department after the limit of time fixed in such advertisement for the receipt of bids, shall not be considered in competition with bids received within the prescribed time: *Provided, however,* That when a bid arrives by mail after the time fixed and it is shown that the nonarrival on time was due solely to the delay in the mails for which the bidder was not responsible, such bid may be considered as having arrived on time. No transfer or assignment shall be made of a bid or any interest therein.

**Award, sus-
pension of.**

2. The award under a general advertisement for service on any route may be suspended by the Postmaster General for a period not exceeding 60 days after the date stated in such advertisement, with a corresponding allowance of time for the execution of the contract; all bids on any route may be rejected whenever in the judgment of the Postmaster General the interest of the service requires it, and bids accompanied with bonds on which there appears as surety the name of any person who is barred from bidding by reason of being a failing bidder or contractor, or for any other reason, may be disregarded.

**Rejection of
bids.**

**Record of
proposals.**
39 U. S. C. 428.

1802. 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 until the end of the contract term to which they relate after which the proposals that were not accepted may be destroyed or disposed of as waste paper.

**Proposals not
accepted to be
destroyed.**

**Amounts of
proposals not to
be divulged.**

1803. No postmaster or other employee of the Postal Service shall disclose to anyone the amount of any proposal of which he may have knowledge. Doing so will be considered sufficient cause for removal from the service.

**Approval of
sureties by
postmaster
personally.**

2. The approval of the sureties shall be by a postmaster or duly appointed acting postmaster, and the certificate shall be signed in person by such official, and not by an assistant postmaster or clerk, either in his own name or in the name of the postmaster.

**No extra pay
on account of
mistakes.**

1804. No extra pay shall be allowed a contractor for mail service on account of alleged mistakes or misapprehension as to the amount of service required, nor shall additional pay be allowed should it be shown that the actual distance is greater than that stated in the advertisement, if the points to be supplied are correctly stated.

**Offices estab-
lished during
contract term.**

2. Post offices in operation and those established during a contract term, as well as railroad stations and junction points, which may be included for supply, shall be visited by the con-

tractor or carrier without allowance of additional pay if the distance be not thereby increased, and for pro rata additional pay if the distance be increased.

1805. Consolidated or combined bids for mail service (proposing one sum for two or more routes) shall not be considered.

Consolidated
bids.

1806. The Postmaster General may provide difficult or emergency mail service in Alaska, at a total annual cost of not exceeding \$25,000, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor: *Provided*, That the Postmaster General, in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce, or 15 cents per half ounce, notwithstanding the domestic air-mail rate authorized by section 463 of this title.

Difficult or
emergency
service in
Alaska.
39 U. S. C. 488.
Supp. V.

2. (a) That whenever required by the Postmaster General, and air carrier authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938 to engage in the transportation of mail in the Territory of Alaska shall, within the limits of such authorization, transport, in addition to mail on which postage shall have been paid at the rate provided by the Act of June 12, 1934 (48 Stat. 933), as amended, any other classes of mail bearing the appropriate postage for its respective class, and the Postmaster General is authorized to require such transportation. The rates of compensation to be paid such carrier for the transportation of all mail shall be fixed by the Civil Aeronautics Authority in accordance with the provisions of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973). When in the opinion of the Postmaster General the needs of the Postal Service require the transportation of mail by aircraft in the Territory of Alaska, where no transportation of mail by aircraft has been authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938, the Postmaster General, notwithstanding any other provision of law, is authorized to contract for the carriage of all classes of mail bearing the appropriate postage for its respective class by aircraft after advertisement in accordance with law. The transportation of mail under contracts entered into under this Act shall not, except for sections 401 (1)

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and 416 (b) of the Civil Aeronautics Act of 1938, be deemed to be "air transportation" as that term is defined in the Civil Aeronautics Act of 1938, and the rates of compensation for such transportation of mail shall not be fixed under that Act. The Postmaster General shall transmit a copy of each contract made pursuant to this Act to the Civil Aeronautics Authority at the time it is let. Any such contract shall be canceled upon the issuance by the Civil Aeronautics Authority of an authorization under said title IV of the Civil Aeronautics Act of 1938 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in such contract. That the Postmaster General in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law.

(b) Payment for services pursuant to contracts entered into by the Postmaster General under authority of this Act shall be made from the appropriation for star route service in Alaska.

CONTRACTS FOR SERVICE

Contracts in
name of United
States.
39 U. S. C. 429.
May 31, 1940.
Public, No. 538.

Award to low-
est bidder,
except.

When bids for
star route are
exorbitant or
unreasonable.
39 U. S. C. 433.

1807. All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; 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.

2. Whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General may, out of the appropriation for inland transportation by star routes, employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the

employment of personal service or the procurement of conveyances, materials, or supplies.

3. No part of the appropriation for inland transportation by star routes shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served by Rural Delivery Service, unless the services of a qualified rural carrier cannot be secured.

Restriction on appropriation where star-route and rural free-delivery services are involved.
39 U. S. C. 451.

4. No proposal for a contract for Star Route Service shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or counties; except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence: *And provided further*, That the term "county," as used herein, shall include parish or other similar primary subdivision of a State.

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5. A contractor for service on star, screen, or regulation wagon route shall live on or contiguous to the route, and shall give his personal supervision to the performance of service thereon.

Contractor to reside on route.

1807½. The Postmaster General may, in his discretion and in the interest of the postal service, readvertise and award new contracts for the purpose of releasing contractors and their sureties under the following conditions: (a) Where a change is ordered in the service involving a material increase or decrease in the amount of service required to such extent as to impose undue hardship on the contractor; (b) where an abnormal or sustained increase in the quantity of mail develops during a contract period or after a bid has been submitted, necessitating larger capacity equipment to maintain the service; (c) where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer or an excessively shorter period than was required in the advertised schedule; (d) where it is found after full investigation that the compensation of such contractors is wholly inadequate and

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that the continuation of the contract would impose undue hardship upon the contractor: *Provided*, That provision (d) shall be effective only upon the giving by the contractor of 90 days' advance notice of his desire to be released: *Provided further*, That such contractor shall waive the 1 month's extra pay authorized by law where contracts are canceled under section (d).

Contracts limited to four years.
39 U. S. C. 436.

1808. Except as otherwise provided by law, no contract for carrying the mail shall be made for a longer term than four years * * *.

Continuation of contracts for six months, authorized.
39 U. S. C. 434.

2. * * * in all cases of regular contracts, 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.

Combinations to prevent bidding.
39 U. S. C. 432.
—contracts not to be made with persons entering.

1809. 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.

—penalty for.

See secs. 1708 and 1772 as to persons disqualified as mail contractors; sec. 2333 as to Members of Congress being interested in contracts.

Failure of bidder to enter into contract or contractor to commence service.
39 U. S. C. 434.
—new contract in case of.

1810. 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 * * *.

1811. * * * 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.

Failure of contractor to perform service.
39 U. S. C. 434.

—new contract in case of.

Duplicate of contracts to be delivered to Bureau of Accounts.
39 U. S. C. 431.

Change in terms of contracts.
—how effected.
39 U. S. C. 438.

New sureties on contracts.
39 U. S. C. 435.

Payment on contracts.
39 U. S. C. 439.

39 U. S. C. 447.

—not to be made until contract is executed.
—withholding of, when.

—how made.

Postmasters may be designated to pay for Alaska service.
39 U. S. C. 67.

1812. The Postmaster General shall deliver to the Bureau of Accounts in the Post Office Department, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof.

1813. Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in section 437 of this title (in the United States Code), notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts.

1814. 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.

1815. 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.

2. 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 of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

3. Payments shall be made by warrant on the Treasury direct from the department, after the expiration of each month, and as soon as accounts can be settled, if required evidence of service has been received. (See sec. 1854.)

4. Contractors for carrying the mail shall not be paid until the oath prescribed in section 30 is taken and filed in the department. (See sec. 1857.)

5. Postmasters may be designated by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska.

6. No postmaster shall make payments unless specifically designated by the department to do so.

ASSIGNMENT OF CONTRACTS FOR SERVICES: SUBLETTING OF
CONTRACTS

1816. No contractor for transporting the mails 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.

Assignment of
contracts
prohibited.
39 U. S. C. 444.

NOTE.—This section is not in conflict with the provisions of the following section. A contractor may, with the consent of the Postmaster General, make a subcontract with another for the performance of the service undertaken by him, but he continues as contractor and is responsible for the due fulfillment of his contract. Under the above statute a contract cannot be assigned or transferred to another.

Note.
Distinction be-
tween assign-
ment and sub-
letting.

See following section, note, as to subcontracts; sec. 2236 as to contracts for transporting foreign mails.

1817. 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 provided by law; 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.

Subletting of
contracts.
39 U. S. C.
445.
—Postmaster
General may
authorize.
—in case of,
without per-
mission, to be
annulled.

NOTE.—Contractors cannot assign or transfer their contracts so as to relieve themselves from liability. (See preceding section, note.) When the service is sublet their responsibility for the due fulfillment of all the provisions of their contracts is in nowise affected. The term "transfer" as used in this section has been regarded as qualified by "subletting" and as meaning the same thing; and only subcontracts are ever authorized by the Postmaster General.

Note.
Liability of
contractors
when service
sublet.

1818. 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. Such last subcontractor shall enter into a good and sufficient bond, and 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. When a contract is declared void on account of its having been sublet, the contractor shall

Subletting for
less than con-
tract price.
39 U. S. C. 447.
—contract to
be void.
Contract with
subcontractor.

Contractor not
to have
indemnity.

not be entitled to one month's extra pay as formerly provided. (See sec. 1846.)

Manner of sub-
letting con-
tracts.
39 U. S. C. 446.
Copy of con-
tract to be filed.

General Ac-
counting Office
to be notified.

General Ac-
counting Office
to pay subcon-
tractor.

Subcontracts.

—applications
to make.

—forms for, to
be followed.

1819. 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 Postmaster General a copy of his or their contract; and thereupon it shall be the duty of the Postmaster General to notify the General Accounting Office 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 General Accounting Office, it shall be the duty of said office 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 said office shall pay said amount, upon the certificate of the Postmaster General, to the subcontractor or subcontractors, under the same rules and regulations governing the payments made to original contractors. 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 Postmaster General to certify such fact to the General Accounting Office; and thereupon said office shall settle with the original contractor or contractors, under the same rules as are provided by law for such settlements.

1820. Contractors or subcontractors shall in all cases secure the permission of the Postmaster General before making a subcontract on any route or on part of a domestic air mail route. The application to sublet shall be made separately for service on each route, specifying the number and terminal points thereof, and in domestic air mail service the points between which the service is sublet if not for the entire route.

2. A subcontract shall be executed in the form prescribed by the Postmaster General, shall embrace not more than one route, be executed in triplicate for service upon the whole route, and for a period not less than one year, or for the remainder of the

contract term when less than one year, and one copy thereof shall be filed in the Post Office Department within 30 days after the time when the service is to begin under it: *Provided*, That on domestic air mail routes, a subcontract may be executed for service over part of the route.

3. None of the stipulations in the form of subcontract prescribed by the Post Office Department shall be eliminated therefrom, and no collateral stipulations shall be added thereto, except with the consent of the Postmaster General.

—to conform with stipulations of contract.

4. The subcontractor shall reside on or contiguous to the route and shall be a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or counties; except that firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence. (See par. 4, sec. 1807.)

—residence.

5. 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, or render him eligible to contract for another route not contiguous to the route sublet.

Contractor's liability.

6. If the subcontract rate of pay is greater than that named in the contract, the department may pay the subcontractor at the latter rate only, and for the remainder he shall look to the contractor.

—in excess of regular contract, how paid.

1821. 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 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 month 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. Such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

Lien upon pay of contractors and subcontractors.
39 U. S. C. 448.
—persons performing service to have.

—payment of amount of.

PERFORMANCE OF SERVICE

GENERAL

1822. The term "star route" shall mean a post route on which the mails are carried under a formal contract awarded to the lowest bidder tendering sufficient guaranties for faithful per-

Star route.
—definition of.

formance in accordance with the terms of the advertisement, and requiring due celerity, certainty, and security in the performance of the service.

Note.

NOTE.—Under this chapter are grouped certain statutes which apply to the transportation of the mails generally, but they are so classified as they are referred to more frequently in connection with this class of transportation.

**Official head of route.
—what offices are.**

1823. Wherever in these regulations the post office at the “head of a route” is referred to it shall mean the post office first named in the statement of the service, whether originally the initial point or subsequently made so by reason of change of the route. An office from which a mail carrier starts to make his trip is not necessarily “the head of the route.”

Qualifications of carriers.

1824. No person under 16 years of age shall be permitted to carry mail, nor shall a person who is undergoing sentence of hard labor imposed by a court having criminal jurisdiction be permitted to perform any service under a mail contract. The carriers on star routes shall be persons of good character, reliable, and trustworthy, and of sufficient intelligence properly to handle and deposit mail along the routes.

COLLECTION AND DELIVERY SERVICE ON STAR ROUTES

Further duties of contractors.

1825. Unless otherwise specifically stated in the advertisements, contractors for service on star routes shall, in addition to carrying the mail to the various post offices, be required, at the risk of the addressees, to deliver ordinary mail into all boxes and hang on cranes or posts that may be erected along the routes mail bags and satchels containing mail, and to collect mail from the boxes and collect the bags or satchels from cranes or posts and deposit the same in the proper post office, in accordance with the rules governing such service and without charge to the person sending or receiving the mail. Registered, insured mail, or C. O. D. mail shall not be so delivered unless expressly directed by the addressee in a written order.

Note.

NOTE.—On some routes it is a requirement of the contract that the carrier shall sell stamp supplies and accept and give receipts for applications for money orders and the money therefor, also for matter presented for registration or for insurance and for C. O. D. parcels. On such routes patrons should meet the carrier to purchase stamp supplies or procure receipts for money orders, registered, insured, or C. O. D. matter.

**Box delivery.
—patrons to provide boxes of standard type.**

2. All persons desiring to avail themselves of box delivery and collection service on star routes shall provide suitable boxes which will properly protect the mail or provide suitable sacks or satchels with suitable posts or cranes so erected that the carriers may deliver and collect mail without dismounting from their vehicles: *Provided*, That where traffic conditions make it necessary carriers shall serve only boxes or cranes on the right-hand side of the road in the direction of travel: *And provided further*, That whenever deemed advisable by the department patrons may be required to erect standard approved boxes only.

Intoxicating liquors.

1826. A contractor or carrier on a star route is permitted to transport intoxicating liquors the same as any other freight or express outside of the mails from one point to another while in the

performance of mail service, if such transportation is not in violation of any local, State, or Federal law.

1827. All mail contractors shall be required—

(a) To carry the mail with certainty, celerity, and security, using therefor such means as may be necessary to transport the whole of the mail, whatever may be its size, weight, or increase during the term of the contract, and without additional pay; to carry the mail by the schedule of departures and arrivals stated in the advertisement under which contract is made and within the running time fixed therein, until said schedule is altered by the authority of the Postmaster General, and then to carry according to such altered schedule: *Provided*, That when more than 10 minutes are taken for opening and closing the mails at any office (see sec. 752) the additional time so taken will be allowed in addition to the time fixed in said schedule, unless otherwise provided in the contract; in all cases to carry the mail in preference to passengers and freight, and to their entire exclusion if its weight, bulk, or safety shall so require; and to carry the mail, upon demand, by any conveyance which the contractor regularly runs, or is concerned in running, on the route, beyond the number of trips specified in the contract, in the same manner and subject to the same regulations as are provided concerning regular trips.

Performance
of service by
contractors.
Manner of
carrying mail.

Schedules.

Ten minutes
for opening
and closing
the mails.

Extra trips by
regular con-
veyances.

(b) To carry the mail in a safe and secure manner and to protect it from becoming wet or otherwise injured.

Protection
of mail.

(c) To take the mail and every part thereof from, and deliver it promptly at, each post office on the route, or that may be established on the route, and into the post office at each end of the route, and into the post office, if one is there kept, at the place at which the carrier stops for the night (see sec. 755); and if no post office is there kept, to lock it in some secure place, at the risk of the contractor. When a carrier cannot drive his conveyance near the door of an intermediate post office, the postmaster shall arrange to take the mail from him, and a carrier shall not enter a post office or other building, leaving his conveyance with mail therein unprotected. In no case shall the mail be thrown on the ground.

Taking mail
from and
delivering into
post offices.

Care of mail
overnight.

(d) To be accountable and answerable in damages for the person to whom the contractor shall commit the care and transportation of the mail, and responsible for his care and faithful performance of the obligations assumed by the contractor and imposed by law; to commit the care or transportation of the mail to no person under 16 years of age, nor to any person prohibited by law from being concerned in a contract for carrying the mails; to discharge any carrier of the mail whenever required so to do by the Postmaster General; to carry without additional charge post-office blanks, mail locks and bags, and other postal supplies, and also post-office inspectors and other agents of the department on the exhibition of their credentials, if a suitable conveyance is used.

Liability for
carrier.

Transportation
of inspectors,
supplies, etc.

Exchange of mails at terminus on railroad.

Catcher service.

When to deliver to agent of railway company.

Employment of special carrier.

Certificate of service to be furnished General Accounting Office.

Limitation of service.

Boats used in mail service.

Accommodations for clerk.

Contractors to keep record of pouches and make report.

Letters on mail steamboats.—how disposed of.

(e) Where the service on a star route terminates at a railroad station, to make the exchange of mails, delivering the pouch to and receiving it from the postal clerk on the train; where crane and catcher service is used, to hang the pouch on the crane and remain in charge of it until it is on board the train, and to take charge of the pouch immediately on its being thrown from the mail car; unless the star route terminates at a railroad station at which the railroad company has an agent and the requiring of the carrier to remain at the station and receive the mail from or deliver it to the train would delay the mail for the star route or impose a hardship upon the carrier; in which cases the carrier on the star route shall deliver the mail to and receive it from the agent of the railway company, the agent being required to receive the mail from and place it on the train.

1828. A postmaster at a post office not on an established route may employ, when directed by the department, a suitable person to perform special mail service as often as practicable. The oath of office of the person so employed shall be transmitted to the General Accounting Office.

See sec. 1708 as to persons qualified as carriers, and sec. 1785 as to rate of pay allowed.

2. Immediately after the close of each quarter on March 31, June 30, September 30, and December 31, the postmaster shall transmit to the General Accounting Office, on forms furnished by the office, a certificate of the special carrier's service and a daily transcript of stamps and other stamped paper canceled at his office during the preceding three months. The postmaster shall not pay the special carrier.

3. Special mail service shall be continued until a regular supply is authorized or other instructions are given by the department.

1829. On routes on which steamboat or other power-boat service is performed the contractors shall provide boats which are safe, suitable, and satisfactory to the Postmaster General.

2. The contractor when required by the Postmaster General shall provide and fit up on each boat used in the service a room suitable for the distribution of the mail, with a sleeping apartment attached, for the exclusive use of the postal clerk, and furnish first-class board to such clerk, without additional charge.

3. Contractors on steamboat lines shall keep a record of all pouches due to be received or dispatched by them and check all pouches when received or dispatched. In cases of failure to receive a pouch due, the contractor shall notify the division superintendent, Railway Mail Service.

1830. All letters placed on a mail boat, on which the mails are in charge of a postal clerk, shall be delivered to such clerk; and on these letters the master of the vessel shall not be paid any compensation. None but letters on which at least one full rate of postage has been paid shall be received on such boat, and these shall be duly mailed.

1831. The compensation of the carrier of mail on Lake Winnepesaukee from the post office at Laconia, New Hampshire, who furnishes his own equipment, shall be \$1,800 per annum.

Service on Lake
Winnepesaukee,
N. H.
39 U. S. C. 208.

1832. The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United States, arriving at any such port or place where there is a post office, shall deliver to the postmaster or at the post office within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages 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 package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than one hundred and fifty dollars.

Delivery of let-
ters by master
of vessel.
18 U. S. C. 323.

Penalty for
failure.

See sec. 516 as to postage on ship letters; sec. 711 as to treatment of such letters in post offices.

1833. The term "ship letters and packages" embraces the letters and packages brought into the United States from foreign countries, or carried from one port in the United States to another, in any 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.

Ship letters
defined.

2. Letters from any foreign port brought loose on a vessel which brings also a mail from abroad shall be treated as though included in the mails brought by the carrying vessel and not as "ship letters." (See sec. 2252.)

Foreign letters
loose on regular
mail steamers
not included.

1834. 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.

Compensation
for carriage of
ship letters.
39 U. S. C. 494.

1835. Postmasters at offices where ship and steamboat letters are delivered shall 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

Certificate of
shipmaster
showing letters
carried.

Payment of shipmaster, and receipt.

shall be delivered into his post office for mailing or delivery, he shall pay to the said master or owner 2 cents, and take his receipt therefor.

See sec. 711 as to manner of rating postage and sec. 712 as to record to be kept.

When fees on ship letters not allowed.

—addressed to foreign country.
—to passengers or sailors.
—to mail vessels or carriers.
—for mail carried over post route.

1836. No fee shall be allowed for ship letters addressed to a foreign country, but they should be marked "Ship." No fee shall be allowed for ship letters delivered to a postmaster by a passenger or sailor; nor to the master of any vessel or any person on board any vessel which carries mail; nor to any carrier on any mail route; nor to the master of a vessel who delivers to a postmaster letters which were carried over a post route; nor for printed matter.

See sec. 516 as to postage on ship letters and printed ship matter; sec. 711 as to treatment of all ship matter at post offices.

CHANGES IN SERVICE: ADDITIONAL SERVICE

Extension of service on route under contract.
39 U. S. C. 442.

1837. The Postmaster General may, in cases where the mail service would be thereby improved, extend service on a mail route under contract, at not exceeding 50 miles and at not exceeding pro rata additional pay: *Provided*, That such extension shall not exceed 50 miles of traveled service route.

Additional service.
39 U. S. C. 440.
—compensation for.

1838. 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.

—no compensation for, until ordered.

1940, May 31.
Public, No. 538.

2. The Postmaster General may, in his discretion and under such regulations as he may prescribe, allow additional compensation to a star-route contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause occurring during the contract term, but such additional compensation allowed shall not be proportionately greater than the rate established by the contract involved: *Provided*, That the provisions of section 3960 of the Revised Statutes (U. S. C., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered,

the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

3. Additional pay may be allowed for increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, in cases where the increased travel caused thereby amounts to 10 per centum of the official mileage and continues for a period not less than 10 consecutive round trips, or one-way trips if round trips are not required: *Provided*, That payment may be made for such changes continuing less than 10 consecutive trips in cases where the increased mileage amounts to 25 per centum of the official mileage; and provided further that no additional pay shall be allowed for such increased travel amounting to less than \$2.

4. In all cases where the regular line of travel becomes impassable from any cause, the carrier must use the most available road in order to perform full service. He should immediately report the matter to the department and to the postmaster at the head of the route or to the postmaster at the office first named in the statement of service. The postmaster shall forward a special report to the Second Assistant Postmaster General, Division of Railway Mail Service, stating the manner in which it is necessary for the carrier to travel, the increase in distance involved, the date on which the detour began, and the probable date on which regular service may be resumed.

5. No additional pay will be allowed for increased travel under the provisions of this section, unless claim is presented to the department within 60 days after such additional service was rendered.

1839. 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. The Postmaster General shall not 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.

Expedition of
service when
authorized.
39 U. S. C. 441.
—compensa-
tion for.

—limitation
upon compensa-
tion for.

Increased celerity.

—when required, to be without extra pay.

—contractor refusing to meet demand for.

Change of schedules.

Gratuitous exchange of mails.

—postmasters may arrange, in addition to regular service, when.

Extra service.

—not to be required except in emergency.

—report of, to department.

—application for, when permanently necessary.

Unnecessary service not to be required of contractor.

Reduction or discontinuance of service.

—report of, to department.

Discontinuance or curtailment of service.

—reasons for.

—indemnity in case of.

1840. Whenever it shall become necessary to increase the speed by which the mail is carried on any 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 agree to so continue the service it shall be readvertised for the expedited running time required.

1841. The Postmaster General may change the schedule of the departures and arrivals on any route without increase of pay, provided the running time be not abridged.

1842. Upon application to the Post Office Department permission may be given to postmasters to provide for the gratuitous exchange of mails by sworn carriers, between their offices, either by separate route or by additional trips on an existing route. Until such permission is given postmasters shall not dispatch or receive mail more frequently than required by the schedule of the route on which the mails are regularly carried.

1843. No additional regular trips shall be required of contractors by postmasters or superintendents of Railway Mail Service without first securing authority therefor from the proper bureau officer having charge of the service, except in case of emergency, in which event the service may be required of the contractor; but the fact shall be reported immediately for approval. When permanent additional service becomes necessary application therefor, including a full statement of the facts, shall be made to the proper bureau officer having charge of the service.

1844. Postmasters shall so arrange the schedule of trips on regulation screen-vehicle routes for the receipt and dispatch of mails that the contractors will not be required to perform unnecessary service, and where possible, without detriment to the service, they should combine two or more mails in one trip.

1845. When service in whole or in part becomes unnecessary, for any reason, the postmaster shall report the facts to the proper bureau officer having charge of the service, and if the reduction or discontinuance of service is only temporary, that fact should be stated, and the probable date of resumption given.

1846. The Postmaster General may discontinue or curtail the service on any mail 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, the contractor to be allowed, as full indemnity, one month's extra pay, on the amount of service dispensed with and a pro rata compensation for the amount of service retained and continued.

TEMPORARY SERVICE

Temporary contract, when authorized.
39 U. S. C. 434.

1847. 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 according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor: *Provided further*, That the provisions of section 440 of this title, that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph. (See sec. 1838.)

—where service is defaulted, new service required, or no responsible contractor.
—when cost may be charged to bidder or contractor.

2. When, because of an emergency, it becomes necessary to divert mail in transit the Postmaster General may enter into a temporary contract for transporting such diverted mail over such other route as he may elect.

—for transporting diverted mails.

NOTE.—When a contractor for carrying United States mail fails or refuses to perform the required service, and temporary services cannot be procured within the amount of the contractor's bond, the Postmaster General may employ temporary services on such route at a rate per annum in excess of the amount of the bond and charge same to the contractor. (1 Comptroller General 201.)

Note.
—failure of contractor to perform service.

1848. Temporary service rendered necessary by reason of the failure of any bidder or contractor to perform the service awarded him under this act (see sec. 1795) may be employed by the Postmaster General without advertisement, at a rate which he may deem reasonable, at the expense of any such failing bidder or contractor.

Temporary service where bidder or contractor under bulletin advertisement fails.
1892, July 26;
27 Stat. 268.

1849. When any contractor fails to begin the performance of mail service under the contract, or, having begun service, fails to continue the same, the postmaster at the head of the route (i. e., the post office first named in the advertisement and contract—see sec. 1823), or the postmaster where vehicle service is under contract, shall employ temporary service at the lowest rate possible, any other postmasters on the route to communicate to him any offer they may have received for the performance of the service, and if the lowest obtainable rate seems excessive when compared with the contract rate, he shall communicate with the proper bureau officer of the Post Office Department, by wire if

Procedure where contractor fails to begin or continue service.

Use of contractor's equipment.

Postmaster to report.

Restriction on service in lieu of railroad or electric service.

Postmasters not to employ service after expiration of contracts.

necessary, and request instructions; the cost of any such temporary service to be charged to the contractor, and to continue until the contractor, in person or by agent, appears with proper equipment and takes charge of the route, or until otherwise ordered.

2. In the performance of temporary service postmasters shall not permit the use of any equipment owned by the contractor, subcontractor, or bondsmen of either nor employ the subcontractor or bondsmen of the contractor or subcontractor. If such equipment is used or such person employed as temporary carrier, service so performed shall be considered as being performed for the contractor or subcontractor, and shall not be recognized by the Post Office Department as temporary service.

3. Postmasters shall immediately report to the Post Office Department any action taken in connection with the employment of temporary service and shall not pay for such service.

1850. Postmasters shall not require contractors to carry the mails in lieu of railroad or electric and cable car service which has failed, unless specific authority be received from the proper bureau officer of the Post Office Department.

1851. 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 shall not employ any service unless expressly authorized to do so by the Post Office Department.

CHAPTER 9

EXAMINATION OF REPORTS OF SERVICE PERFORMED; DEDUCTIONS AND FINES

EXAMINATION OF REPORTS: GENERAL PROVISIONS

Registers of arrivals and departures.
39 U. S. C. 7.
Reports, how made.

1852. 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.

—standard time to be observed in.

1853. Standard (railroad) time shall be observed by contractors in performing, and used by postmasters in reporting service on all routes.

Reports of mail service.
—by whom to be made.

1854. Postmasters at terminal offices on mail routes, and at such other post offices as the Postmaster General may designate as reporting offices, shall report the performance of the service

upon the blank forms furnished by the department strictly in accordance with the instructions printed thereon. Clerks in charge of terminal R. P. O. and transfer offices may be required to furnish such reports.

2. The regular reports above required shall be forwarded by the first mail after the close of each month to the Post Office Department, and a duplicate of each report shall be retained by the postmaster and carefully preserved, to be turned over to his successor.

—when to be made.

—duplicates of, to be retained.

1855. Every postmaster shall promptly report to the Postmaster General every delinquency, neglect, or malpractice of contractors, their agents or carriers, which comes to his knowledge.

Delinquencies.
39 U. S. C. 51.
—report of.

1856. A special report shall be made by the postmaster to the Post Office Department in each of the following cases:

Special reports,
subjects of.

(a) Mail carried by a person who has not taken the oath.

(b) Mail carried by a person under the prescribed age.

(c) Carrier intoxicated on duty, or when he calls for the mail. The postmaster in such cases shall suspend the carrier and employ another for the trip or to complete the trip at the lowest obtainable rate.

(d) Failure of carrier to deposit mail in post office in place at which he stops overnight.

(e) Mail arriving without a lock. If the name of the person at fault can be ascertained, it shall be included in the report.

(f) Mails left exposed to damage or depredation.

(g) Failure of carrier to properly protect mail from the weather. The postmaster shall call the carrier's attention to such delinquencies and see that they are corrected.

(h) Failure of carrier to take all the mail on each trip.

(i) Mails unnecessarily thrown upon the ground. Mail pouches or sacks (or contents) damaged by being dragged about or otherwise.

(j) Where any postmaster, assistant postmaster, or clerk employed in any post office, or any member of the immediate family of a postmaster or assistant postmaster is interested in any mail contract or employed either regularly or temporarily as a carrier of the mail.

(k) Extraordinary failures, interruptions, or abandonment of service.

2. Postmasters shall furnish the Post Office Department with any information that may aid it in enforcing the performance of duty on the part of contractors, and in securing regularity, safety, and efficiency in the mail service. All reports shall state the number and terminal points of the route, if known.

Postmasters to
furnish general
information.

See sec. 1827, relative to the requirements of contractors; sec. 1776 relative to the duties of mail messengers; sec. 748 as to delivery of mail to carriers in advance of scheduled time.

1857. All mail carriers, except employees of railroad companies and employees of contractors for steamboat or other power-boat

Oath of mail
carriers.

service, or for star-route service where contractor operates regular passenger busses and carries mail therein, when carrying mail for such companies or contractors, shall, before entering upon their duties as such, take the oath prescribed in section 30: *Provided*, That pilots or other employees carrying mail for a contractor on any international air-mail route may be required to take only that part of the oath relating to faithful performance of duty and to paying over money belonging to the United States.

—supervision
by postmasters.

Explanation for
delinquencies by
contractors.

2. Postmasters shall see that the requirements of this section are strictly complied with.

1858. When mail fails to arrive at the end of a contract route, or at any intermediate scheduled point, within the time fixed in the contract or schedule, the contractor shall promptly send his explanation to the Post Office Department, stating particularly the cause of the failure. A specific explanation shall be furnished by the contractor for each delinquency. Mere general allegations will not be considered. If only part of the trip was performed, the report shall show what part and state the distance traveled.

DEDUCTIONS AND FINES

Deductions and
fines for failures
and delinquen-
cies.

39 U. S. C. 443,
—authority
for.

1859. The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. Contractors shall also be answerable in damages to the United States for the proper care and transportation of the mails, and be accountable to the United States for any loss or damage resulting to any of such mail or any part of it by reason of the failure to exercise due care on the part of any of the contractor's officers, agents, or employees in the custody, handling, or transportation thereof. 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.

Note.

NOTE.—The action of the Postmaster General in authorizing deductions, under the provisions of the aforesaid section, for failure to perform service according to contract, is not subject to review. (*Allman v. United States*, 131 U. S. 31; 20 Comp. Dec. 555.)

See sec. 1728 as to penalty for refusing to furnish railway post-office cars or equip them.

Fines on con-
tractors for for-
eign mails.

39 U. S. C. 655.

1860. The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails.

GENERAL SERVICE

1861. Fines may be imposed, unless satisfactory excuse be made in due time, for each of the following delinquencies on the part of a contractor, to wit:

(a) Failure to take the mail, or any part of it, from a post office, or to deliver it thereto, or to deliver it immediately upon arrival. (Note exceptions in sec. 755.)

Fines, how and for what imposed.

Failure to take or deliver mail.

(b) Suffering the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping it in a place or manner that exposes it to depredation, loss, or injury.

Damage to mail.

(c) Refusing, after demand, to transport mail by any coach, car, boat, or other conveyance which the contractor runs or is concerned in running on the route.

Refusal to transport mail.

(d) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, freight, or other matter.

Leaving mail for passengers, etc.

(e) Habitual failures to observe schedule.

Failure to observe schedule.

(f) Other delinquencies or violations of the terms of the contract, or the requirements or regulations of the Post Office Department.

Other delinquencies.

2. The fine shall in each case be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the contractor's pay for the service on the route on which the delinquency occurred.

Postmaster General to fix amount of fine.

1862. In addition to the foregoing general causes, fines may be imposed for the following delinquencies in the different classes of service, to wit:

Fines in particular classes of service.

RAILROAD, ELECTRIC, AND CABLE CAR SERVICE

(a) Leaving mail which arrives at the station before the departure of the train or car for which it is intended.

Leaving mail.

(b) Failure to use the first practicable means of forwarding mail which is delayed en route.

Forwarding of delayed mails.

(c) Failure to furnish suitable apartments when required in which to distribute the mail.

Failure to furnish apartments in cars.

(d) Failure to sound proper signal when approaching mail crane.

Failure to sound signal.

(e) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of mails in depots.

Failure to furnish proper accommodations in depots.

STAR SERVICE

(f) Failure to arrive or depart at time fixed by schedule without satisfactory excuse.

Failure to observe schedule.

(g) Intoxication of carrier while in charge of mail.

Intoxication of carrier.

(h) Employing a carrier under 16 years of age.

Carrier under age.

(i) Failure to deposit all mail in the post office at any place where the carrier stops overnight.

Care of mail overnight.

(j) Employing either as subcontractor or carrier any postmaster, assistant postmaster, clerk in a post office, or any member of the immediate family of a postmaster or assistant postmaster.

Employing post-office employees.

BOAT SERVICE

Failure to observe schedule.

(k) Failure to arrive at time fixed by schedule without satisfactory excuse.

Failure to furnish apartments.
Inferior grade of service.

(l) Failure to furnish necessary facilities for the distribution of mail.

(m) When a grade of service is rendered inferior to that stipulated in the contract.

VEHICLE SERVICE IN CITIES

Failure to provide sufficient equipment.

(n) Failure to provide and maintain in good condition sufficient equipment (motor trucks, wagons, horses, and harness) to perform the service properly.

Failure to carry mails in prescribed vehicles.

(o) Failure to carry the mails in the prescribed vehicles, for unnecessary delays in receiving or delivering mails, or to comply with any or all other terms of the contract.

MAIL-MESSENGER SERVICE

Imperfect service.
Applications from railroad and electric car companies for remission of fines and deductions.

(p) Failure to perform service properly.

2. Applications from railroad and electric-car companies for remission of fines and deductions shall not be considered unless, in the case of fines, the company has previously made reply to the complaint of the officer of the Railway Mail Service within 30 days from the date of his communication relative to the delinquency for which the fine has been imposed, nor unless, in cases of fines and deductions, the application for remission, with evidence in support thereof, is filed in the office of the Second Assistant Postmaster General within six months from the date of notice by the Post Office Department to the railway company that such fine has been imposed or deduction made.

CHAPTER 10

MAIL EQUIPMENT

MAIL BAGS

Term "mail bags,"—what it includes.

1863. The term "mail bags" includes mail pouches and mail sacks. Mail bags shall be of such style, material, and size as will meet the needs of the service. They shall be numbered according to size, beginning with No. 0 for the largest size, No. 1 for the next smaller size, etc.

2. The principal styles of mail bags are—

Mail pouches.

(a) Mail pouches, designed for locking, and used for the handling of first-class, registered, and air mail.

Saddle mail bags.

(b) Saddle mail bags, designed for locking, and used only for horseback service on star routes.

Catcher mail pouches.

(c) Catcher mail pouches, designed for locking, and used exclusively for exchanging mails with moving trains by means of mail cranes and catcher arms.

(d) Canvas mail sacks, equipped with lacing cord and cord fastener, and used for handling ordinary second, third, and fourth class mails. Size 1, equipped also with locking-cord fasteners, are used for parcel-post mails.

Sacks for domestic mail.

(e) Canvas mail sacks, equipped with a neck-strap device for closing with a lead seal, and used for foreign mails.

Sacks for foreign mail.

1864. Mail bags shall be furnished by the department for use exclusively by the Postal Service. They shall not be sold or otherwise disposed of by private parties to the commercial trade, except where specifically authorized by the Post Office Department.

Use of mail bags.
—by Postal Service only.
None sold.

2. The experimental use in the Postal Service of alleged improvements in mail bags or other mail equipment shall not be permitted unless specially authorized by the department.

—experimental use of alleged improvements forbidden.

1865. Mail bags shall be used only for the transmission of mailable matter while under the care, custody, and control of the Post Office Department, through its postmasters and other authorized agents, and shall not be used for other purposes, except as provided in section 1866.

Restrictions on use of mail bags.

2. Mail bags shall not be used for storing records, waste paper, etc., or for personal convenience.

—for storage of records, etc., forbidden.

1866. When in the opinion of the postmaster, material benefits to the Postal Service will result and dispatch of mails will be expedited, mail sacks may be loaned to publishers or others to deliver their mail to the post office, made up for dispatch, in accordance with Railway Mail Service schemes of distribution, or in any other manner that may be prescribed by the local postmaster.

Loan of mail sacks.

2. No sacks shall be loaned by the postmaster except upon presentation of requisition in duplicate on Form 3970 by the party to whom the privilege is extended. The number of sacks loaned will be entered on the postmaster's record, Form 026, and when returned a receipt on Form 3971 will be given the borrower, who will be credited on the postmaster's record with the number of sacks returned.

—restriction on.

—account to be kept.

3. Postmasters shall see that mail sacks which have been loaned are returned to the service within a reasonable time, and shall advise each patron to whom such sacks are loaned that he will be held responsible for the proper care and return of each sack intrusted to him.

—to be returned promptly to the service.

4. The Fourth Assistant Postmaster General, Manufacturing and Repair Branch, shall advise postmasters, on request, of the value of mail sacks.

—value of sacks.

5. The postmaster shall collect from the patron the value of mail sacks not returned and shall account for such collections as postal funds.

—collections for.

6. Mail sacks may be furnished upon specific authorization of the Second Assistant Postmaster General, Division of Railway Mail Service, in each case for shipment of catalogs and other advertising matter in large quantities or carload lots by freight or express or by other means of transportation to post offices into which such matter is to be deposited for dispatch as mail, and for shipment by publishers of second-class mail by freight or express

—for shipments by freight or express, to be finally deposited in the mails.

or by other means of transportation to post offices where such matter has additional entry: *Provided*, That the shipper shall make such distribution as may be required by the Railway Mail Service or the postmaster at shipping point and a record is kept of the number of sacks delivered to the shipper and the number returned to the service at the post office where mailed, the shipper to be held responsible for any shortage. However, such shipments by freight or express or by other means of transportation are not to be consigned to trucking companies to be split up and delivered by them in small lots to several different post offices but must all be entered in the mails at the post office to which such shipment is consigned and no part of such shipment shall be delivered outside of the mails.

Mail sacks containing public documents, etc.

—to be emptied and returned promptly.

1867. Postmasters who receive canvas mail sacks containing public documents or other official mail matter addressed to Senators or Representatives in Congress or to resident agents of any executive department at Washington, D. C., stationed within the delivery of the post office, may permit such sacks to be taken from the receiving post office for the purpose of conveniently emptying them, but with the distinct understanding that such sacks shall not be withheld from the service for a longer period than one day.

Mail bags with defective locks.

—no other mutilation allowed.
—attachments not to be removed, etc.

Postmasters at head of star routes to order bags and locks.

Repair of mail bags.
—to be avoided.

—no allowance for, when.

—when permissible.

—allowance for.

1868. The stitching of the seam of a mail bag may be cut to remove the mail when the lock attached to it cannot be opened. (See sec. 1883.)

2. Mail bags shall not be mutilated otherwise by postmasters or postal employees.

3. Cord fasteners or other attachments shall not be removed willfully from mail bags, and the lacing cord on mail sacks shall not be cut or tied into hard knots.

1869. When a mail bag is needed on a star route, it shall be ordered by the postmaster at the head office (see sec. 1823), and failure on his part to keep the route equipped with suitable bag and lock shall be reported to the Second Assistant Postmaster General, Division of Railway Mail Service.

1870. A postmaster at the head of a star route shall order new mail bags before those in use become unserviceable. (See secs. 1869 and 1871.)

2. The continued use of mail bags on star routes until they become defective from natural wear shall be considered negligence, and may be deemed sufficient reason for disallowing any claim for credit arising from the repair of such bags.

3. A postmaster whose office is located on a star route may have a mail pouch used on said route repaired (no serviceable bag being available to substitute in its place) only when the same has been damaged by unusual accident in transit or mutilated, as authorized by section 1883. Unnecessary repair of pouches shall not be made and sacks shall not be repaired.

4. The receipted bill for money paid by a postmaster for repair of a mail pouch shall accompany his quarterly account as a proper voucher for the allowance of the money as paid and charged by

him, said bill to be accompanied with a letter from the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, authorizing this expenditure. The bill shall state clearly the nature and price of the work done.

1871. All requests for mail bags of all styles in quantities, and requests for saddle bags for use on star, rural, and special routes, shall be addressed to the Second Assistant Postmaster General, Division of Railway Mail Service.

2. All requests for mail bags for use on star, rural, and special routes, except saddle bags, shall be addressed as follows:

From post offices in—	To postmasters at—
Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.	Boston, Mass.
Connecticut, New York, New Jersey, and Pennsylvania.	New York, N. Y.
Georgia, Florida, Alabama, Mississippi, and Louisiana.	Atlanta, Ga.
Ohio, Indiana, Kentucky, and Tennessee.	Cincinnati, Ohio.
Michigan, Wisconsin, Illinois, Iowa, Nebraska, Wyoming, and Idaho.	Chicago, Ill.
Minnesota, North Dakota, South Dakota, and Montana.	St. Paul, Minn.
Missouri and Arkansas.	St. Louis, Mo.
Kansas, Oklahoma, Colorado, New Mexico, and Arizona.	Kansas City, Mo.
Texas.	Fort Worth, Tex. ¹
Utah, Nevada, California, Oregon, Washington, and Alaska.	San Francisco, Calif.
Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, and South Carolina.	Washington, D. C.

¹ Requisition should be addressed to the Superintendent, Railway Mail Service.

3. Separate locked pouches for offices on a star route shall not be furnished, except when authorized by the proper division superintendents of the Railway Mail Service.

1872. Postmasters whose offices are designated as depositories for mail bags and locks shall receive each day all mail equipment addressed to them, and render to the Second Assistant Postmaster General, Division of Railway Mail Service, at the end of each day and month an account, on form blanks prescribed by the department, giving the information indicated thereon.

2. Mail bags and locks received for storage shall be kept separate and apart from the equipment in use for the current needs of a depository post office.

3. Mail bags and locks in the several depositories shall be distributed on orders of the Second Assistant Postmaster General, Division of Railway Mail Service. Postmasters in charge of depositories, however, may withdraw equipment, without special instructions, to meet the needs of their respective offices, and to meet emergency calls from other post offices which admit of no delay.

1873. All defective mail bags shall be promptly dispatched by mail to the Manufacturing and Repair Branch, Washington, D. C.

2. Serviceable empty mail bags shall not be included in bundles containing defective mail bags.

3. Mail bags which have been mutilated as a consequence of depredation upon the mails, however, shall accompany the report made to the nearest post-office inspector in charge, after which, when the case has been closed, or when the inspector has no fur-

Application for mail bags.—how to address.

—extra pouches for star routes not furnished, except.

Mail bag and lock depositories.

—to make daily and monthly reports.

Equipment, how kept.

—to be distributed on orders.

Exceptions.

Defective bags.—where sent.

—serviceable bags not to be sent therewith. Bags mutilated in consequence of depredation.

Labeling and marking of bags.

Surplus mail bags.

—not to be held for emergencies.

—to be dispatched daily to designated receiving points.

—labeling and marking.

Defective mail bags.

Bags belonging to foreign countries.
—return of.

Cord fasteners and label cases.

Improper use of bags and locks.
—to be reported.

Term "mail locks."
—what it includes.
—L.A.

ther use for them, they shall be forwarded to the Manufacturing and Repair Branch. (See secs. 443 and 810.)

4. Mail bags sent to the repair shop shall be covered by plainly addressed labels, the face of the label to be marked "Manufacturing and Repair Branch, Washington, D. C.," and to show contents of bundle, the reverse side of label to bear the postmark of dispatching office or line and name of employee having the matter in immediate charge.

1874. Any serviceable mail bag not actually required for the regular dispatch of mails is surplus equipment.

2. Surplus mail bags shall not be held at any post office to meet possible emergencies unless specially authorized by the Railway Mail Service.

3. All surplus mail bags shall be dispatched daily by mail to receiving points designated by the Railway Mail Service with the exception that postmasters of first- and second-class post offices shall be permitted to hold surplus No. 1 sacks not in excess of 2 days (unless otherwise instructed) if by so doing they can be packed in full bundles and labeled "examined" to save reworking at receiving points. Postmasters and railway postal clerks dispatching mail bags shall obtain the necessary information as to points to which they should dispatch, in cases where they are in doubt, from the superintendent, Railway Mail Service, of the division in which their office or line is located.

4. Each sack containing empty mail bags shall be properly labeled, the face of the label to show the point to which shipment is being made and the contents of the bundle, and the word "examined" when covering full bundles of mail bags or the word "serviceable" when covering less than full bundles, the reverse side of the label to bear the postmark of dispatching office or line and name of the employee having the matter in immediate charge.

5. Defective mail bags shall not be included in these dispatches, but shall be disposed of as directed in section 1873.

See annual Postal Guide as to packing empty mail bags.

1875. Mail bags received from and belonging to foreign countries shall be promptly returned empty, pursuant to the international postal regulations; and such bags shall not be used by postmasters or others.

1876. Cord fasteners and label cases which become detached from mail bags shall be forwarded by ordinary mail to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

1877. Postal employees shall prevent, when possible, any improper use or abuse of mail bags and mail locks, and shall report every instance of which they may be aware of theft or illegal use of such equipment.

MAIL LOCKS

1878. The term "mail locks" includes:

(a) The LA lock, which shall be used for locking pouches in which first-class mail matter is conveyed and sacks in which parcel post is conveyed.

(b) The rotary registry lock, which shall be used at authorized post offices and by postal employees specially authorized for locking pouches and sacks containing registered matter only, unless otherwise exceptionally authorized.

—rotary registry.

(c) The brass (star route) registry lock, which shall be used only where specially authorized by the Third Assistant Postmaster General, its principal use being at designated post offices on star routes to lock mail bags containing registered mail and ordinary through mail.

—brass registry.

(d) The letter-box lock, which shall be used for United States collection boxes. (Various kinds of padlocks and "inside" or "arrow" locks.)

—letter box.

(e) Special mail locks, which shall be used when specially authorized.

—special.

See sec. 1233 as to registry dispatches; sec. 1267 as to care of registry locks and keys.

1879. Mail locks shall be used exclusively in the Postal Service and shall not be diverted to private or other uses, nor shall they be sold or otherwise disposed of to private persons.

Use of mail locks.
—restriction.
—never sold.

1880. All requests for mail-pouch locks in quantities shall be addressed to the Second Assistant Postmaster General, Division of Railway Mail Service.

Requests for locks.

2. All requests for mail-pouch locks for use on star, rural, or special routes shall be prepared and addressed as provided in section 1871 for mail bags.

—how to address.

1881. Brass registry locks shall be used only on pouches dispatched to post offices to which the brass-lock system of exchange has been extended.

Brass locks.
—authorized use.

2. A postmaster whose office is without a brass-lock exchange, receiving a pouch addressed to his office and secured with a brass registry lock, shall be guided by section 1883. Should it be necessary to forward the pouch unopened to the next office on the route, as provided for in section 1883, a letter of advice shall be transmitted therewith by each dispatching office.

—how treated when so used.

See sec. 1224 as to brass-lock pouch service.

1882. When a pouch of mail, in transit without lock, is received at an office and the postmaster has no mail lock to put on it, he should lock such pouch with any safe padlock he may have and send the key in a sealed envelope by the carrier to the next postmaster, who, if he has no mail lock, shall use the same padlock on the pouch and forward the key in the same manner.

Pouch without lock.
—how treated.

2. The first postmaster who has a mail lock shall attach it to the pouch and immediately return the padlock to its owner.

—supplying of lock.

3. If a postmaster has no mail lock or private lock and key with which to secure the mail, he should purchase an inexpensive padlock and key. The bill for such lock and key should be presented, like other accounts, in his quarterly statement to the General Accounting Office if he desires credit for the same. When the price of a purchased lock and key is claimed and intended to be included in the "quarterly statement," such lock and key

—credit for, if purchased by postmaster.

should be promptly forwarded, after discontinuance of its use, to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

Defective locks on pouches.
—how treated.

1883. When a lock attached to a pouch or sack cannot be opened the stitching of the seam of the bag may be cut and another bag and lock, if available, placed in service. A padlock may be purchased in accordance with section 1882, if necessary.

—at terminal office.

2. In case no other bag is available and the foregoing provision cannot be complied with, the pouch or sack shall be passed unopened to the next office on the route, and so on, if necessary, until it reaches a terminal office, where the postmaster shall release the mail as above provided.

Defective locks.
—disposition of.

1884. Whenever a mail lock of any kind is found to be defective in the slightest degree, it shall be withdrawn immediately from service. Defective LA locks, rotary locks, and all other defective locks except letter-box locks, shall be sent by ordinary mail to the Fourth Assistant Postmaster General, Division of Building Operations and Supplies, Manufacturing and Repair Branch, Washington, D. C., but rotary locks shall not be included in the same package with other locks. All defective letter-box locks shall be forwarded to the Fourth Assistant Postmaster General, Division of Building Operations and Supplies, Manufacturing and Repair Branch, by registered mail, with a letter of advice.

2. Defective mail locks which are returned to the department shall not be replaced unless accompanied with a requisition for good locks in lieu of those defective.

Surplus locks.
—LA and rotary registry.

1885. Any serviceable LA ordinary mail lock or rotary registry lock not actually required for the regular dispatch of mails is surplus equipment and shall not be held by any postmaster or transfer clerk to meet possible emergencies of the service without special permission from the department.

—disposition of.

2. (a) Surplus LA locks and rotary locks shall be dispatched daily by offices of the first class, terminal railway post offices, transfer offices, and railway post office lines, by ordinary mail to receiving points designated by the Railway Mail Service. Postmasters and railway postal clerks dispatching locks shall obtain the necessary information as to the points to which they should dispatch, in cases where they are in doubt, from the superintendent, Railway Mail Service, of the division in which their office or line is located.

(b) Offices of the second, third, and fourth classes dispatching pouches of mail to railway post office lines shall include daily in the pouches all surplus locks. Offices of the second, third, and fourth classes not dispatching mail to railway post office trains shall send surplus locks daily to the nearest office making dispatches of mail in pouches to railway post office trains.

(c) Rotary locks shall have the hasps closed and when dispatched in pouches with mail shall be wrapped, separately from other locks in course of transmission, if it seems probable that dispatching the locks in the pouch tied together and without wrapping would cause damage to mail in the pouch. Separate pouches

closed with iron locks and containing only rotary locks shall be used in transmitting rotary locks when the number of locks is such that damage to mail might occur were the locks inclosed in a pouch with mail matter. Packages or pouches containing only surplus rotary locks, or supplies of rotary locks being issued, shall be marked "Rotary locks," in order that they may be properly handled at destination. The package or pouch shall show by postmark the name of the dispatching office. Locks must not be dispatched in catcher pouches.

(d) Surplus rotary locks in course of return or supplies of rotary locks being issued shall not be registered or billed unless the locks are in course of transmission to or from a Naval vessel or Naval organization located at a point beyond the continental United States, not including Alaska.

1886. Surplus brass registry locks shall be forwarded promptly, by ordinary mail, to the nearest lock depository.

1887. Each application for letter-box locks shall be addressed to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, and shall state explicitly the combination and number of locks wanted and why they are needed.

2. When letter-box locks are sent to an office, the card form of receipt and inventory forwarded therewith shall be filled in carefully and verified, and then returned to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

3. Postmasters shall keep an accurate and separate account of each combination of letter-box locks issued to their respective offices. The inventory submitted by a postmaster shall account for every letter-box lock of the combination to which said inventory refers with which his office is charged, and any discrepancy must be explained by letter accompanying the inventory.

4. Postmasters at letter-carrier offices shall keep on hand such letter-box locks in excess of the number of collection boxes in actual use as may be authorized by the department.

5. Surplus letter-box locks shall be kept in a safe, or other secure place, in the post office, and when any of them are issued to replace defective ones, the latter shall be returned to the department promptly in accordance with section 1884.

6. All letter carriers should be expressly instructed (through the superintendent of carriers) that it is forbidden (1) to put oil or grease in mail locks, (2) to pry open the case of such locks, (3), to injure a letter box in order to remove a defective lock.

7. The shackle of a letter-box *padlock* may be sawed when it is on a letter box and cannot be opened with a key, but not until the carrier has properly reported the matter to the post office and a new key has been tried in the lock. Should it be necessary to remove a damaged "inside" or Arrow street letter-box lock, a most satisfactory method is as follows: Carefully center the screws with a center punch, then drill a hole at least three-sixteenths inch deep, using a breast drill and a number 22 twist drill; drive out the screws with a drive punch the same size as the drill; remove the lock; then retap the holes with a three-sixteenth-inch 32-

Surplus brass
registry locks.

Letter-box
locks.
—application
for.
—combination
to be stated.
—receipt and
inventory.

—accounts to
be kept.

—surplus num-
ber to be kept.

—surplus
allowed.

—care of.

—shackle may
be sawed.

pitch, or number 10, 32-pitch tap. For cast-iron type of box, holes should be drilled to a depth of at least three-eighths inch. If the foregoing method is not feasible, remove the screws by any available method that will not injure the lock or box. No attempt shall be made to open a letter box by the methods described until a new key has been tried in the lock.

Repairs forbidden.

1888. Mail locks shall not be repaired nor shall oil or grease be applied to them.

Locks in improper hands.—to be reclaimed.

1889. Postal employees shall reclaim, when possible, and transmit to the Second Assistant Postmaster General, Division of Railway Mail Service, all mail locks found to be in improper hands or applied to any other than their lawful use.

Locks.—thefts and loss to be reported.

1890. In case of theft or loss of a letter-box lock, or theft of any other kind of mail lock, a report, stating the facts and circumstances relating to such theft or loss, shall be made immediately to the proper inspector in charge, and also to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

MAIL KEYS AND SAFETY CHAINS

Term "mail keys."—what it includes.

1891. The term "mail keys" includes all keys issued by the department for use in connection with the mail locks referred to in section 1878. The ordinary mail keys in general use are known as LA keys.

Mail keys shall be furnished to whom.

1892. Mail keys shall be furnished to postmasters, postal clerks, and post-office inspectors, and such other subordinates of the Postal Service as may be authorized by the department to use them.

Application for, to be addressed to whom.

1893. Application for mail keys and safety key chains shall be addressed to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, and prompt request shall be made for new keys which may be needed to replace broken, lost, or damaged ones.

Receipts for, record of and accounting for mail keys. Key number. Receipts for keys.

1894. A mail key which is the subject of correspondence should be referred to by its number and combination.

2. The form of receipt which accompanies every mail key issued for service shall be filled in and signed by the proper person and immediately returned to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

Mail key charged by number.

3. Each mail key bears a different number. Every postmaster or employee to whom mail keys are furnished shall be charged therewith and held to a strict account therefor. When a postmaster receives a mail key he shall make a record, to be kept in his post office, of the date of its receipt, the number of the key, and its combination. In case of letter-box keys the combination shall be shown on the record.

Record to be kept.

4. Postmasters shall obtain and file in their offices receipts from letter carriers for mail keys issued to them.

Receipts to be obtained from carriers. Mail keys from discontinued offices, etc.

5. Postmasters shall acquaint themselves with the mail keys charged to their respective offices; and any other mail keys com-

ing into their possession from discontinued post offices, or other source, shall be forwarded promptly, by registered mail, to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, accompanied with a letter of advice.

1895. Mail keys shall be kept with special care and shall not be exposed to public observation nor allowed to pass into the hands of mail contractors, drivers, mail messengers, or other unauthorized persons.

Safe-keeping of mail keys.

2. Every mail key, excepting those furnished as extras, shall be kept attached to a safety key chain until the key is returned to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch.

To be kept on safety chains.

3. The LA mail keys in use at post office shall be attached by means of a long safety chain and screw-eye to the receiving table or other fixture, having in view the safety of the key.

The LA key in use at post offices.

4. Postmasters and other postal employees shall report to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, all instances of loss or accident to, or of any unlawful or improper use of, mail keys which come to their knowledge. In all cases the combination, as well as number of key, shall be indicated.

Losses, etc., to be reported.

1896. When extra mail keys are furnished for use in cases of emergency, they shall be locked in a safe place in the post office, accessible to only the postmaster and his assistant.

Use and care of extra keys.

1897. No attempt shall be made to have a mail key repaired.

Unserviceable mail keys and chains.
Bags to be passed unopened.

2. If the only mail key in an office supplied by star, rural, or special route be broken, or is so defective as not to open the mail locks, the bags shall be passed unopened to the next postmaster on the route with a written request that the letters for said office be delivered in a sealed package, by the mail carrier, until a new key can be obtained from the department. (See secs. 1868 and 1883.)

3. When a mail key of any kind is returned to the department, it shall be addressed to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, and be forwarded by registered mail, accompanied with a letter of advice. Broken (all parts), defective, and stray mail keys shall be forwarded without delay. Mail keys and locks shall not be sent to the Post Office Department in the same package.

How to return keys.

Defectives, strays, etc.

—not inclosed.

4. Safety key chains which are badly worn and endanger the safety of mail keys shall not be used.

Safety chains.

1898. No mail key shall be transferred or exchanged except to a successor in office, nor loaned without special instructions from the department.

Mail keys not to be transferred, except.

1899. The failure of a mail key in apparently good condition to open the mail-pouch lock for which designed indicates that the lock is defective, and the postmaster shall be guided by section 1883.

Proof of defective locks.

MISCELLANEOUS PROVISIONS

Equipment in
the service.
—reports to
be made.

1900. The Second Assistant Postmaster General, Division of Railway Mail Service, shall submit to the Fourth Assistant Postmaster General, Manufacturing and Repair Branch, when requested, periodically such data as may be desired relative to mail pouches, sacks, and locks in the service.

Repairs to bags
and locks,
where made.

1901. Repairs to mail bags and mail locks shall be made in the Manufacturing and Repair Branch at Washington, D. C.

TITLE TWELVE

INTERNATIONAL POSTAL SERVICE

CHAPTER 1

GENERAL PROVISIONS

POSTAL CONVENTIONS

2201. For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and foreign countries: *Provided*, That the decisions of the Postmaster General construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States.

Postal conventions with foreign countries.
5 U. S. C. 372.

2202. The Postmaster General shall transmit a copy of each postal convention concluded with foreign Governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication; and the printed proof sheets of all such conventions shall be revised at the Post Office Department.

—to be negotiated by the Postmaster General.

Publication of postal conventions.
5 U. S. C. 373.

2. There shall be printed in slip form * * * seven hundred and sixty copies of * * * postal conventions, and treaties, which shall be distributed as follows: To the House document room, * * * one hundred copies of private laws; to the Senate document room, * * * one hundred copies of private laws; to the Department of State, five hundred copies of all laws; and to the Treasury Department, sixty copies of all laws. Postal conventions and treaties shall be distributed as private laws.

Printing and distribution of copies.
44 U. S. C. 191.

21 Op. Atty. Gen. 405.

(e) Administrations shall cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations; also, for articles addressed "general delivery" or held at the disposal of the addressees, responsibility shall cease upon delivery to a person who has proved his identity in accordance with the regulations in force in the country of destination, and whose name and description are in conformity with the indications of the address.

(f) When the registered articles cannot be accounted for as a result of the destruction of the service records due to a case of "force majeure" (beyond control).

(g) For any registered article lost under circumstances constituting a case of "force majeure" (causes beyond control), the decision to be made, in accordance with its domestic legislation, by the country responsible for the loss.

Domestic regulations applicable.

4. The regulations governing indemnity for the loss of registered articles in the domestic mails shall, as far as applicable, govern indemnity for the loss of registered articles in the international mails, except as otherwise specially provided. (See secs. 1330 to 1332.)

Note.

NOTE.—See the Official Postal Guide, Part II, under the general items relating to indemnity for international mail and under the parcel post item of the particular country concerned for the conditions under which indemnity may be paid for the loss, rifling, or damage of ordinary registered, and insured parcels and for C. O. D. registered and C. O. D. insured parcels.

CHAPTER 8

OCEAN MAIL SERVICE

GENERAL PROVISIONS

Foreign mails.
39 U. S. C. 653.
—how transported.

2235. 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.

CONTRACT SERVICE

Transporting mails between United States and foreign countries.
39 U. S. C. 652.

2236. The Postmaster General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

See sec. 1789 as to combining international and inland steamboat service; sec. 2239 as to assignment of mail contracts; sec. 1705 as to contracts for transporting domestic mails over foreign territory; sec. 1782 as to transporting international mails by aircraft; sec. 2237 as to transportation on American built and documented vessels; secs. 2245 and 2246 as to sea post offices.

2. * * * 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.

Time limitation on contracts.
39 U. S. C. 449.

2237. All mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on American-built vessels documented under the laws of the United States, * * *.

United States mails to be carried on American-built vessels, if practicable.
46 U. S. C. 880.

NOTE.—The balance of section 880 of Title 46 U. S. C. has been omitted as having no application to the Post Office Department.

2. (a) All mails of the United States carried on vessels between ports between which it is lawful under the navigation laws for a vessel not documented under the laws of the United States to carry merchandise shall, insofar as practicable, be carried on vessels of United States registry.

Vessels used for carrying mails; agents and employees of Post Office Department.
46 U. S. C. 1145, Supp. V.

(b) Every steamship company carrying the mails shall carry on any ship it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials.

2238. 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.

Discontinuance of foreign mail transportation contracts.
39 U. S. C. 656.

2239. 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.

Assignment of contracts prohibited.
39 U. S. C. 444.

NOTE.—A contractor may, with the consent of the Postmaster General, make a subcontract with another for the performance of the service undertaken by him, but he continues as contractor and is responsible for the due fulfillment of his contract. Under the above statute a contract can not be assigned or transferred to another.

Note. Distinction between assignment and subletting.

NONCONTRACT SERVICE

2240. (a) Except as provided in subdivision (b), for transportation of the mails, (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any

Compensation for transportation of foreign mails.
39 U. S. C. 654.

other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of 80 cents a pound for letters and post cards and 8 cents a pound for other articles (including parcel post), and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention * * *.

Contract service excepted.
Id.

(b) The provisions of subdivision (a) of this section shall not limit the compensation for transportation of mail which the Postmaster General may pay under contracts entered into in accordance with the provisions of section 652 of this title (sec. 2236) * * *.

Service to be paid from appropriation for "transportation of foreign mails."
Id.

(c) In the case of mails transported between the United States or its Territories or possessions and any foreign country and in the case of mails transported between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces, payment for such transportation shall be made out of the appropriation for the transportation of foreign mails.

Definite rates.
—United States steamships.

2. Unless otherwise specially provided, payment shall be made for the transportation of United States mails and foreign closed transit mails on steamships of both United States registry and foreign registry at the rates of 5.25 cents a pound for mails consisting of letters and post cards and 0.7 cent a pound for mails consisting of other articles, including parcel post, for distances up to 300 nautical miles; 14 cents a pound for mails consisting of letters and post cards and 1.75 cents a pound for mails consisting of other articles, including parcel post, for distances from 300 up to 1,500 nautical miles, and 21 cents a pound for mails consisting of letters and post cards and 2.8 cents a pound for mails consisting of other articles, including parcel post, for all distances exceeding 1,500 nautical miles.

Rates for mails transshipped at Canal Zone.

3. As an exception to the rates specified in paragraph 2 of this section, payment shall be made at the rates specified in the schedule stated below (unless service be covered by contract), for service by vessels of United States registry and by vessels of foreign registry which are entitled to pay from the United States, in transporting mails the United States is obligated to convey, that may be performed:

(a) Onward from the Canal Zone covering mails dispatched from Canal Zone ports to any ports, except those in continental United States;

—foreign steamships.

(b) From any port in the countries signatory to the conventions of the Postal Union of the Americas and Spain (except con-

tinental United States, Canada, and Spain, and Havana, Cuba, for mails forwarded from continental United States for transshipment) to any other port (except ports in continental United States, Canada, and Spain, and Havana, Cuba, for mails destined to the United States); also from ports in the West Indies or South America of countries not signatory to the conventions of the Postal Union of the Americas and Spain, to any other port (except ports in continental United States, Canada, and Spain, and Havana, Cuba, for mails destined to the United States), covering regular mails originating in signatory countries.

(c) Between Puerto Rico and the Virgin Islands or between Puerto Rico (or the Virgin Islands) and the Dominican Republic, and

(d) Between Cuba and any port in Florida:

	Letters and cards	Other articles, including parcel post where conveyance is obligated
	<i>Cents per lb.</i>	<i>Cents per lb.</i>
Up to 600 nautical miles.....	4	1.00
From 600 to 1,800 nautical miles.....	7	1.25
Over 1,800 nautical miles.....	12	1.75

4. As a further exception to the rates specified in paragraph 2 of this section, payment for parcel-post mails dispatched to and via Scandinavian ports on vessels of Swedish registry, the compensation for which is payable to the Postal Administration of Sweden, shall be made at the rate of 4.76 cents per pound.

2241. Unless otherwise specially provided, the sums to be allowed for the transportation by railroad across the Isthmus of Panama, of United States and foreign closed transit mails shall be \$0.0525 per pound for letters and post cards and \$0.007 per pound for other articles, including parcel post.

Rates for railroad service across the Isthmus of Panama.

CHAPTER 9

FOREIGN AIR MAIL SERVICE

2242. Nothing in this chapter shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country.

Transportation of mail.
49 U. S. C. 485
(h), Supp. V.

2. The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the

mail for a foreign country, make arrangements, without advertising, with such person for transporting mail by aircraft to or within any foreign country.

49 U. S. C. 485
(1), Supp. V.

2243. Any air carrier holding a certificate to engage in foreign air transportation and transporting mails of foreign countries shall transport such mails subject to control and regulation by the United States. The Postmaster General shall from time to time fix the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements between any such air carrier and any foreign country covering the transportation of mails of such country, under which mails of such country have been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mails at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may authorize any such air carrier, under such limitations as the Postmaster General may prescribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country.

2. In any case where such air carrier has an arrangement with any foreign country for transporting its mails, made or approved in accordance with the provisions of subdivision (1) of this subsection, it shall collect its compensation from the foreign country under its arrangement, and in case of the absence of any arrangement between the air carrier and the foreign country consistent with this subsection, the collections made from the foreign country by the United States shall be for the account of such air carrier: *Provided*, That no such air carrier

shall be entitled to receive compensation both from such foreign country and from the United States in respect of the transportation of the same mail or the same mails of foreign countries.

3. In the case of any air carrier holding a contract under the provisions of the Act of March 8, 1928, as amended (45 Stat. 248), providing for the carriage of mails of foreign countries for the account of the United States, this subsection shall apply only upon the cancellation of such contract as provided in this section.

4. (a) In all cases where, pursuant to the provisions of subsection (i) (2) of section 405 of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973; U. S. C., 1934 edition, Supp. V, title 49, sec. 401, and the following), the Postmaster General shall have heretofore fixed and put into effect, or shall hereafter fix and put into effect, the rates of compensation to be charged foreign countries for the transportation of their mail by air carriers and where the collections from such foreign countries of the amounts owing by them for such transportation are required by such subsection to be made by the United States for the account of such air carriers, the Postmaster General may simplify and expedite the settlement of accounts for such carriage by offsetting against any balance due a foreign country resulting from the transaction of international money order business or otherwise, such amounts as may be then due from such country to the United States and to the United States for the account of such carriers; and the Postmaster General and the General Accounting Office shall thereupon give the foreign country involved the appropriate credit for such payment by offset, paying to the carrier that portion of the amount so charged as may be owing to the carrier for its services in transporting the mail of such foreign country and depositing as "miscellaneous postal receipts" that portion of the amount so charged as may be due the United States on its own account: *Provided*, That no adjustment of accounts authorized by this Act shall apply to appropriations for fiscal years prior to the fiscal year 1940: *Provided further*, That any adjustments made under the authority of this section shall be subject to the right of the United States to deduct from any sums due or thereafter becoming due to a carrier such amounts as may have been paid it on

1940, August 27,
Public, No. 774

account of foreign countries which amounts, for any reason, the United States shall have been unable to collect, either by offset or otherwise, from the debtor country.

(b) In any case where collections are to be made by the United States from a foreign country for the transportation of mails of such countries for the account of an air carrier pursuant to section 405 (i) (2) of the Civil Aeronautics Act, whether such transportation occurred before or after the passage of this Act, the Postmaster General, taking into consideration the state of the balance carried in the appropriation, in his discretion, is hereby authorized to make advances to such air carrier out of sums appropriated for "balances due foreign countries", upon determination by the Postmaster General from time to time of the amounts due from any such foreign countries for transportation, and thereafter such amounts shall be collected by the United States from foreign countries by set-off, or otherwise, in the manner hereinbefore provided, and the appropriation for payment of "balances due foreign countries" shall be reimbursed by collections so made by the United States: *Provided, however,* That if the United States shall fail to collect any such amount or any part of such amount from such foreign country owing same within twelve months after the United States has paid such amount to the carrier, the United States may deduct such uncollected amounts from any sums owing by it to the carrier.

(c) The General Accounting Office shall make the necessary credits and debits in the respective appropriations and accounts involved and adopt such procedure as may be necessary to conform to and effect the purposes of this Act.

Rates for
transportation
of mail.
49 U. S. C. 486
(f), Supp. V.

2244. In any case where air transportation is performed between the United States and any foreign country, both by aircraft owned or operated by one or more air carriers holding a certificate under this subchapter and by aircraft owned or operated by one or more foreign air carriers, the Postmaster General shall not pay to or for the account of any such foreign air carrier a rate of compensation for transporting mail by aircraft between the United States and such foreign country, which, in his opinion, will result (over such reasonable period as the Postmaster General may determine, taking account of ex-

change fluctuations and other factors) in such foreign air carrier receiving a higher rate of compensation for transporting such mail than such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and the United States, or receiving a higher rate of compensation for transporting such mail than a rate determined by the Postmaster General to be comparable to the rate such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and an intermediate country on the route of such air carrier between such foreign country and the United States.

See secs. 1782, 2242, and 2243 for authorization and other details of operation of service.

CHAPTER 10

SEA POST SERVICE

2245. The Postmaster General is authorized to expend such sums as may be necessary, not to exceed the amounts appropriated by Congress, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States; * * *.

Maintenance
of sea post
service.
39 U. S. C. 667.

2246. Sea post offices duly authorized by the Post Office Department shall be established and operated on such ocean steamships as may be designated.

Sea post offices.

2. United States sea post clerks shall be of two classes; clerks of class 1 shall receive pay at the rate of \$2,400 per annum, each; clerks of class 2, who shall be clerks in charge, shall receive pay at the rate of \$2,600 per annum, each. In addition thereto, they shall be entitled to first-class accommodations on the steamships to which they are assigned and to commutation for board and lodging while in foreign countries and possessions of the United States, at rates fixed by the Post Office Department. They shall be subject to the ship's discipline to the same extent as passengers.

Sea post clerks.
—compensation and
subsistence.

3. Vacancies in the sea post service shall be filled by transfer from the Railway Mail Service or from the classified personnel of first- and second-class post offices engaged in the distribution of mail in accordance with the postal regulations and instructions of the Second Assistant Postmaster General. Each unsuccessful applicant should renew his application at the expiration of one year. If the application is not renewed it shall be taken for granted that the transfer is no longer desired. Employees receiving a salary of less than \$2,100 per annum shall not be eligible for transfer.

Appointments.
—how made.

Temporary assignment as substitute sea-post clerks. 39 U. S. C. 640.

4. The Postmaster General is authorized to assign railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks whenever, in his opinion, such employment is necessary. Such employees shall receive credit on their Railway Mail Service records for the time employed in the sea-post service, but shall be allowed the salary and expenses of a Class 1 sea-post clerk, payable out of the appropriation available for maintaining sea-post service, in lieu of any other salary and expense.

Bonds of clerks.

5. United States sea post clerks shall give bond to the United States, with good and approved security, in the sum of \$1,000 each. Each clerk shall pay the premium chargeable to himself. Bonds shall be filed with the Second Assistant Postmaster General.

See sec. 69 as to renewal of bonds; sec. 1830 as to letters mailed on vessels carrying sea post clerks.

Retirement.

6. All sea post clerks who have reached the age of 65 years and rendered at least 15 years of service shall be eligible for retirement under the provisions of section 41.

See sec. 40 concerning the payment of compensation in the case of disability or death of sea post clerks.

CHAPTER 11

NAVY MAIL SERVICE

Navy mail clerks and assistants. 39 U. S. C. 134.

2247. Enlisted men of the United States Navy or Marine Corps may, upon selection by the Secretary of the Navy, be designated by the Post Office Department as "Navy mail clerks" and "Assistant Navy mail clerks," who shall be authorized to receive and open all pouches and sacks of mail addressed to naval vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks with expeditionary forces on shore or for duty at stations and shore establishments un-

Appointments. Duties.

der the Navy Department where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall be amenable in all respects to naval discipline, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the Postal Laws and Regulations of the United States. Whenever necessity arises therefor, any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed, or of the squadron to which said vessel is attached, to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department, in addition to that paid them of the grade to which they are assigned, such sum, in the case of mail clerks not to exceed \$500 per annum, and in that of assistant mail clerks not to exceed \$300 per annum, as may be determined and allowed by the Navy Department.

Oaths.

Compensation.

2. Every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk.

Bond.
39 U. S. C. 135.

3. No Navy mail clerk or assistant Navy mail clerk shall be deemed to be fully qualified until his oath and bond have been executed, and accepted by the Postmaster General, and his designation is in effect.

4. Post Office Department supplies, equipment, and funds (the property of the United States) shall be issued to a bonded Navy mail clerk in accordance with the instructions in the current edition of the pamphlet "The Navy Mail Service," and he shall be the sole custodian of such postal effects and shall be wholly responsible for their safekeeping at all times except when he may deliver them or a portion of them for temporary custody to an assistant Navy mail clerk or a commissioned officer designated by the commanding officer, as provided in the aforesaid pamphlet. Postal effects shall be receipted for upon receipt from postmasters and upon each change of custody within the Naval Service.

Postal effects.

5. Naval post offices in charge of Navy mail clerks or assistant Navy mail clerks on board naval vessels, or with the expeditionary forces on shore, shall be attached to the post office at New York, New York. Naval post offices in charge of Navy mail clerks or assistant Navy mail clerks, established at shore establishments under the jurisdiction of the Navy Department in this country

Naval post
offices shall
be attached
to U. S. post
offices.

and its possessions, shall be attached to the nearest post office, preferably of the first or second class.

Note.

NOTE.—The pamphlet, "The Navy Mail Service," containing detailed instructions for the guidance of Navy mail clerks and assistant Navy mail clerks is published by the Post Office Department, and is furnished each naval post office and postmaster concerned.

CHAPTER 12

POSTAL AGENCIES

Agencies in foreign countries.
39 U. S. C. 672.
1940, October 5,
Public. No. 798.

2248. The Postmaster General may establish postal agencies at such foreign seaports or airports at which United States mail steamers or airships touch to land and receive mails, as may in his judgment promote the efficiency of the foreign mail service; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for office rent, furniture, clerk hire, and incidental expenses.

Agents on ocean steamers.
39 U. S. C. 673.

—on what routes.

2249. The Postmaster General may appoint an agent in charge of the mail on board of each of the mail steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of two thousand dollars a year.

—compensation.

See sec. 2246 as to sea post-office clerks.

CHAPTER 13

MISCELLANEOUS

Carriage by vessels of mail not received from post office forbidden.
39 U. S. C. 496.

2250. 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 500 of this title (sec. 1712); 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

Officer of port to require oath of master of vessel not to violate this section.

care or control, and will not receive or convey any letter or packet contrary to the provisions of this section.

2251. 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 other 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 or other person having charge or control of such vessel when arriving, and be taken from the United States post office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, 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 fined not more than one thousand dollars.

See secs. 1833 to 1836 as to ship letters.

2. Mails for dispatch by outgoing steamers shall be delivered from the post office and steamship companies shall haul the sacks to the steamers. Each truck (or wagon) shall be provided with a man to ride on the rear and protect the mail. The red-label sacks shall be separately delivered to the steamship company's representative at the post office; sacks and seals shall be carefully examined at time of receipt; and when a rack (open) truck is used the sacks shall be covered by a tarpaulin. The registered (red label) sacks shall be specially protected during transfers and on board vessels. Unless special arrangements are made, mails shall be ready for delivery at the post office in time, designated by the postmaster, to connect with the conveying steamer.

2252. Except as otherwise provided by treaty or convention, the Postmaster General may require the transportation by any steamships of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the

Letters carried in foreign vessels to be deposited in post office.
18 U. S. C. 326.

Punishment for failure.

Steamship companies to haul and protect mail.

Duty of steamship companies to carry mail tendered.
18 U. S. C. 326.

mail when tendered by the Postmaster General or his representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance until the collector or other officer of the port is informed by the Postmaster General or his representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postmaster General.

Vessels to deliver letters at post office before entry.
18 U. S. C. 327.

2253. No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

Oath.

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 to the post office at ----- every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

Penalty for failure.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than one hundred dollars.

See secs. 1832 and 2251 as to delivery at post office of letters and other mailable matter; sec. 1832 as to payment for ship letters; sec. 516 as to postage on ship letters, and Official Postal Guide, Part II, as to postage on other mail matter.

Fines on steamship and aircraft carriers transporting mails beyond borders of the United States.
39 U. S. C. 655.

2254. The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails.

Responsibility of steamship companies; fines.

2. Steamship companies shall be answerable to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any of such mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

2255. Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than fifty dollars, or imprisoned not more than one month, or both.

Carrying letters out of the mail on vessels.
18 U. S. C. 308.

Punishment.

2256. Funds received from the transportation of mails on behalf of foreign countries arising under the Postal Union Convention and other postal conventions, and balances due the United States from foreign countries which are paid by remittances to the Post Office Department, upon periodical adjustments, shall be deposited in the Treasury as "foreign-mail transit service."

Receipts from transportation, foreign mails.

—how accounted for.

2257. 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.

Transportation through United States of mails of Canada and countries adjoining the United States.
39 U. S. C. 669.

Withdrawal of privilege.

See sec. 1705 as to contracts for transporting domestic mails over foreign territory; sec. 2201 as to authority of Postmaster General to make postal conventions with foreign countries.

2258. The Postmaster General, under the direction of the President of the United States, is authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet ship or other vessel, the same rate or rates of charge for American postage which the Government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such Government, and at any time to revoke the same; and all customhouse officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing

Retaliatory postage on certain-foreign matter.
39 U. S. C. 671.

—may be imposed, when.

provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post office.

See sec. 2251 as to letters brought to United States on foreign vessels.

Correspondence
with foreign
officials.
—how con-
ducted.

2259. Postmasters, except those at exchange offices in certain cases, shall not correspond with foreign postal officials on postal business. All matters of this kind requiring foreign correspondence shall be reported to the Second Assistant Postmaster General, Division of International Postal Service, except where otherwise directed herein. (See secs. 9, 11, 12, 809, and 1367.)

For additional laws and regulations applicable to matters in the International Postal Service not included in this title, see the following sections:

Canadian mail for foreign destinations	2089
Diplomatic correspondence	614, 776
Forwarding to foreign countries mail with due stamps affixed	773
Letters under cover to postmaster	772
Loss of foreign mail involving indemnity, investigation of	812
Metric postal balances	96
Money-order service, international	1403, 1458 to 1476
Offenses against foreign mail in transit	2359
Publications, foreign	523
Regulations, orders and inquiries	438, 439
Return receipts for foreign mail	811
Routed, specially, foreign mail	2088
Second-class matter for Canada, Cuba, Mexico, and Panama	538
Ship letters defined	1833
Unmailable matter	597