

576. Sending second-class matter by freight; discriminations; appeals; precedence of proceedings in Court of Appeals.—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 of 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 Court of Appeals of the District of Columbia to affirm, set aside or modify such orders of the Post Office Department shall be exclusive.

Such proceedings in the Court of Appeals of the District of Columbia shall be given precedence over other cases pending therein and shall be in every way expedited. (July 28, 1916, c. 261, § 2, 39 Stat. 424.)

577. Lease of terminal railway post offices.—The Postmaster General may apply a part of the appropriation for rental of space for terminal railway post offices for the distribution of the mails when the furnishing of space for such distribution can not properly be required of railroad companies without additional compensation, to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental, to be paid quarterly, for a term not exceeding twenty years. (Mar. 9, 1914, c. 33, 38 Stat. 301; Apr. 24, 1920, c. 101, § 1, 41 Stat. 580.)

578. Mail messengers.—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. (Mar. 3, 1887, c. 346, 24 Stat. 492.)

579. Same; contracts for service.—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 each 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. (July 28, 1916, c. 261, § 1, 39 Stat. 418; June 3, 1924, c. 237, 43 Stat. 356.)

Chapter 10.—RAILWAY MAIL OFFICERS AND EMPLOYEES.

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Section 601. Expenses of officers of Railway Mail Service.—The superintendent and the assistant general superintendent and chief clerk of the Railway Mail Service shall be paid their necessary and actual expenses while traveling on the business of the department. (Apr. 16, 1890, c. 85, 26 Stat. 56.)

602. Salaries of division superintendents, assistant division superintendents, assistant superintendents at large, assistant superintendents in charge of car construction, chief clerks, and assistant chief clerks.—The annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, \$4,500; assistant division superintendents and assistant superintendents at large, \$3,600; assistant superintendent in charge of car construction, \$3,300; chief clerks, \$3,300; assistant chief clerks, \$2,800. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1061.)

603. Assistant superintendents; traveling expenses.—Assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of \$4 per day while actually traveling on business of the department away from their several designated headquarters. (Mar. 3, 1901, c. 851, § 1, 31 Stat. 1105.)

604. Expenses of supervisory employees.—Supervisory employees of the Railway Mail Service shall be paid their actual expenses as fixed by law. (Feb. 28, 1925, c. 368, § 2, 43 Stat. 1055.)

605. Rating of clerks in charge of sections in offices of division superintendents.—The clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at \$2,800 salary. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

606. Laborers; grades; salaries.—Laborers in the Railway Mail Service shall be divided into two grades with annual salaries as follows: Grade 1, salary \$1,500; grade 2, \$1,600. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

607. Same; promotion; readjustment of grades.—Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1. In the readjustment of the service to conform to the grades herein provided for laborers, each grade shall include laborers in the grade of the same number existing on December 31, 1924. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

608. Classification of railway postal clerks.—The Postmaster General shall classify and fix the salaries of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law. He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 555.)

609. Railway postal clerks; appointment.—The Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other services as may pertain to the Railway Mail Service. Such clerks shall be designated as railway postal clerks. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 555.)

610. Same; classes and grades; salaries.—Railway postal clerks shall be divided into two classes, class A and class B, and into seven grades with annual salaries as follows: Grade 1, salary \$1,900; grade 2, salary \$2,000; grade 3, salary \$2,150; grade 4, salary \$2,300; grade 5, salary \$2,450; grade 6, salary \$2,600; grade 7, salary \$2,700. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

611. Same; original appointments; time of promotion.—All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of three hundred and six days in the next lower grade. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 550; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

612. Same; readjustment of grades.—In the readjustment of the service to conform to the grades herein provided, each grade shall include clerks in the grade of the same number existing on December 31, 1924. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

613. Same; hours of service; overtime pay or compensatory time.—Service of clerks shall be based on an average of not exceeding eight hours daily for three hundred and six days per annum, including proper allowances for all service required on lay-off periods. Clerks required to perform service in excess of eight hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

614. Substitute clerks; probationary period; pay; credit for time served as probationers on appointment as regular clerks; promotion.—Substitute railway postal clerks shall be paid for services actually performed at the rate of \$1,850 per annum, the first year of service to constitute a proba-

tionary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position. (Mar. 2, 1907, c. 2513, 34 Stat. 1213; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

615. Same; full time and travel expenses when traveling under orders.—Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed \$3 per day, while on duty away from such headquarters. When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

616. Compensatory time to laborers or railway postal clerks at terminal railway post offices and transfer offices for work on Sundays or holidays; overtime in lieu thereof.—When the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer 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 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 for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time. (Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

617. Classes of railway post-office lines; promotion of clerks.—Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6. Lines in class A existing on December 31, 1924, shall be continued in class A, and lines in class B existing on that date shall be continued in class B. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

618. Classes of terminal railway post offices; promotion of clerks.—Terminal railway post offices shall be divided into two classes, class A and class B; those having less than twenty employees shall be assigned to class A, and those having twenty or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

619. Classes of transfer offices; promotion of clerks.—Transfer offices shall be divided into two classes, class A and class B; those having less than five employees shall be assigned to class A and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

620. Clerk in charge defined.—A clerk in charge is defined as a clerk in charge of a railway post office, terminal railway post office, or transfer office whether he performs service alone or

has a crew of clerks under his supervision, or of a tour or a crew within a tour of a terminal railway post office or transfer office. (June 5, 1920, c. 254, 41 Stat. 1050.)

621. Promotion of clerks assigned to offices of division superintendents or chief clerks.—Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

622. Promotion of examiners.—Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

623. Promotions for meritorious services.—Promotions above these grades hereinbefore specified, but within the maximum grades of the classification, may be made in the discretion of the Postmaster General for meritorious service. No promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

624. Same; transfer.—A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent or chief clerk, may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

625. Same; failing of promotion.—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 any subsequent quarter on evidence that his record has been satisfactory during the intervening period. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556; Feb. 28, 1925, c. 368, § 11, 43 Stat. 1064.)

626. Same; in highest grades of their lines; promotions.—Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transfer service, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions, shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year period, under such regulations as the Postmaster General shall prescribe. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

627. Same; restoration after reduction in grade.—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. All employees provided for in this chapter in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases granted them by

the provisions of this chapter. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556; Feb. 28, 1925, c. 368, § 11, 43 Stat. 1065.)

628. Same; advancement restricted.—In filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

629. Hours of work for postal clerks assigned to terminal railway post offices and transfer offices, and laborers in Railway Mail Service; overtime pay.—Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service 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, but in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day, and for such additional service they shall be paid in proportion to their salaries as fixed by law. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

630. Postal clerks assigned to road duty; full time for delay to trains.—Clerks assigned to road duty shall be credited with full time for delays to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run. (Feb. 28, 1925, c. 368, § 7, 43 Stat. 1063.)

631. Postal clerks; residences.—All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which they are assigned; but railway postal clerks appointed prior to February 28, 1895, and performing such duty on August 24, 1912, shall not be required to change their residences, except when transferred to another line. (Aug. 24, 1912, c. 389, § 7, 37 Stat. 556.)

632. Transfer; salaries not reduced.—When railway postal clerks are transferred from one assignment to another because of changes in the service their salaries shall not be reduced by reason of such change. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1065.)

633. Same; travel allowances.—In addition to the salaries provided by law, the Postmaster General may make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed \$3 per day. (Aug. 24, 1912, c. 389, § 1, 37 Stat. 548; Mar. 3, 1917, c. 162, § 1, 39 Stat. 1065; Feb. 28, 1925, c. 368, § 7, 43 Stat. 1062.)

634. Same; preference in transfers from service to department or post offices.—In the assignment or transfer of clerks from the Railway Mail Service, preference shall be given to the persons honorably discharged from the military or naval service who served in the civil war and who are serving as clerks on the railway mail cars in order that they may be transferred to clerical service in the department or in the post offices and relieved from service on said cars as rapidly as practicable, provided they are found to possess the business capacity necessary for the proper discharge of the duties of the offices to which they may be transferred. (June 26, 1900, c. 3546, 34 Stat. 474.)

635. Same; annual vacation.—The Postmaster General may allow railway postal clerks an annual vacation of fifteen days, with pay, and may, in his discretion, under such regulations as he may provide, allow any railway postal clerk leave of absence with pay for a period not exceeding thirty days, with

the understanding that his duties will be performed without expense to the Government during the period for which leave is granted, he to provide a substitute at his own expense. (Mar. 3, 1901, c. 851, § 1, 31 Stat. 1107; Mar. 1, 1909, c. 232, 35 Stat. 667; Mar. 4, 1913, c. 113, 37 Stat. 798; July 28, 1916, c. 261, § 1, 39 Stat. 420.)

636. Same; full time to clerks deadheading under orders.—Railway postal clerks and substitute railway postal clerks shall be credited with full time when deadheading under orders of the department. (Mar. 3, 1917, c. 162, § 1, 39 Stat. 1005; Apr. 24, 1920, c. 161, § 1, 41 Stat. 580.)

637. Substitutes for clerks absent otherwise than on annual leave.—When any clerk in the Railway Mail Service is absent from duty for 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, at a rate not to exceed the pay of the grade of work performed by such substitute. (Mar. 3, 1905, c. 1480, § 1, 33 Stat. 1085.)

638. Badges of postal clerks and mail messengers.—Postal clerks, railway postal clerks, and mail messengers shall not be required to wear uniform other than a cap or badge. (Mar. 3, 1879, c. 180, § 1, 20 Stat. 357; July 31, 1882, c. 361, § 1, 22 Stat. 180.)

639. Newspapers; delivery by railway postal clerks.—The Postmaster General may provide by order the terms upon which railway postal clerks may receive from publishers or any news agents in charge thereof, and deliver the same as directed, if presented and called for at the mail car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post office. (R. S. § 3889.)

Chapter 17.—FOREIGN MAIL SERVICE.

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Section 651. Foreign mail-transportation contracts.—The Postmaster General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor. (R. S. § 4006.)

652. Same; for carrying mails between the United States and foreign countries.—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. (R. S. § 4007.)

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

654. Pay for transporting.—For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage except as otherwise provided by law; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage, on the mail so transported. (R. S. § 4009.)

655. Fine of contractors for delay.—The Postmaster General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip except as otherwise provided by law. (R. S. § 4010.)

656. Discontinuing transportation contracts.—Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster General to discontinue the same, the further stipulation that it may be terminated by Congress. (R. S. § 4011.)

657. Ocean mail service on American vessels; contracts.—The Postmaster General is authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named. (Mar. 3, 1891, c. 519, § 1, 26 Stat. 830.)

658. Same; advertisements for proposals.—Before making any contract for carrying ocean mails in accordance with sections 657 to 665 of this title the Postmaster General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Saint Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 12 of this title so far as the same shall be applicable to the ocean mail service. (Mar. 3, 1891, c. 519, § 2, 26 Stat. 831.)

659. Same; ownership of vessels; classification.—The vessels employed in the mail service under sections 657 to 665 of this title shall be American-built steamships, owned and officered