

THE
POSTAL LAWS AND REGULATIONS
OF THE
UNITED STATES OF AMERICA
1882 EDITION

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POSTAL LAWS AND REGULATIONS FOR THE GOVERN-
MENT OF THE POSTAL SERVICE.

SYNOPSIS OF ALL LAWS ENACTED BY CONGRESS AFFECTING THE POST OFFICE DEPARTMENT; OF ALL ORDERS OF THE POSTMASTER GENERAL AFFECTING THE GENERAL POSTAL SERVICE; AND OF ALL RULINGS OF THE DEPARTMENT, SINCE THE PUBLICATION OF THE EDITION OF POSTAL LAWS AND REGULATIONS OF 1879 TO DECEMBER 20, 1881.

N. B. Where the orders and rulings of the Post Office Department, as published in the United States Official Postal Guide and Daily Bulletin, differ from the P. L. & R., 1879, they supersede said edition of 1879, and must be followed by all postmasters.

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I. FIRST-CLASS MATTER.

1. Letters and all matter wholly or partially in writing are first-class and subject to letter rates, except as follows: 1. Corrected proof-sheets and manuscript copy accompanying the same. 2. Date and name of the addressee and of the sender of circulars, and the correction of mere typographical errors therein. (See rulings 312-315.) 3. Bills, receipts, and orders for subscription inclosed in second-class publications, provided such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer. (See rulings 294-298.) 4. The name and address of the person to whom second-class matter may be sent, and index figure of a subscription book, and words or figures, or both, indicating the date on which the subscription to such matter will end. (See ruling 308.) 5. Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address, with the word "from" above and preceding the same, and in either case may make simple marks, intended to designate a word or passage of the text, to which it is desired to call attention. 6. There may be placed upon the cover or blank leaves of any book, or of any printed matter of the third class, a simple manuscript dedication or inscription; such dedication or inscription must be confined to a simple address or consignment of such book, or other printed matter, as a mark of respect, and must not contain anything that partakes of the nature of a personal correspondence. 7. Upon matter of the fourth class the sender may write his own name and address preceded by the word "from," and also the number and names of the articles inclosed. He may also write upon or attach to any such articles, by tag or label, a mark or number, name or letter, for purpose of identification. See ruling 319.

2. The rate for first-class matter is three cents for each half ounce or fraction thereof.

3. The fact that the envelope of matter declared to be first-class by ruling 1 is left unsealed, does not permit it to pass at less than first-class rates.

4. All manuscript matter designed for publication in books, magazines, periodicals, or

newspapers is subject to letter postage unless accompanied by proof-sheets, or corrected proof-sheets of such manuscript, or of which such manuscript is a correction or addition. See No. 34, Suggestions to the Public; also see ruling 221.

5. Manuscript music, unless it be accompanied by proof-sheets, or corrected proofs, is first-class matter.

6. Under the Postmaster General's Order of February 21, 1881, drawings, plans, and designs, which were formerly rated as fourth-class matter, are now subject to letter postage. Manuscript maps are also subject to letter postage.

7. Personal correspondence is subject to first-class rates. That it may be written under a printed heading and put in an unsealed envelope will make no difference in the rate.

8. When only a single copy of a reproduction by any other process than ordinary type, plate, and lithographic printing is offered for mailing, and the subject-matter is essentially personal to the individual addressed, the parcel is subject to letter rates of postage.

9. All *sealed* packages, except packages of seeds in sealed *transparent* envelopes and packages sealed with internal revenue stamps (see ruling 236); all packages *sewed* up, except in the case of seeds, where the absence of any other matter can be ascertained by feeling; and all packages *in any way so closed against inspection*, that their contents cannot be fully ascertained without breaking the seal, or without undue delay in opening the same, are subject to first-class postage. See section 182, P. L. & R.; also see rulings 229, 240, 452, 454.

10. Matter inclosed in sealed envelopes notched at the ends, or with the corners cut off, is subject to letter postage.

11. A box with its cover nailed on would be held as closed against inspection and therefore subject to letter rates when sent in the mails. Postmasters have no right to stop to pry open such a box, and then nail the cover on again.

12. The use of the hand stamp for printing personal communications, as the stamping of a receipt or credit on a bill or account, constitutes the matter first class.

13. The use of a printed signature to partly written and partly printed papers does not alter their character as first-class matter.

14. Stenographic notes or writing are first-class matter.

15. A "diary" with entries in writing is first-class matter.

16. Autograph albums filled in with written signatures, or miscellaneous writing, are first-class matter.

17. A bank pass-book, with written entries therein, is first-class matter; without written entries therein, it is third class.

18. A letter press copy book, with copies of written letters therein, is first-class matter.

19. Envelopes with written addresses thereon are first-class matter.

20. A tax bill or receipt with any writing thereon is subject to first-class rates.

21. An "abstract of title" is subject to first-class rates.

22. A power of attorney is first-class matter.

23. A promissory note, though partly printed and partly written, is first-class matter.

24. A mortgage is first-class matter.

25. Drafts and checks are first-class matter.

26. Canceled checks and coupons are first-class matter; that they are sent unsealed does not change their classification.

27. Receipts are first-class matter. Parties who send them in the mails as third-class matter are liable to the penalty of ten dollars, as prescribed in section 233, P. L. & R.

28. A price list with prices added in writing is subject to letter postage.

29. An order for goods is subject to first-class rates of postage.

30. An invoice, bill, statement, or any other commercial paper, with any writing, is first-class matter.

31. Insurance policies, whether canceled or not, are first-class matter if they contain any writing.

32. A "pension voucher" is first-class matter.

33. An application for membership in a "beneficial" or "endowment" association, is to be treated as first-class matter, the same as an "application for insurance."

34. A telegram offered for mailing is to be treated the same as a letter. A postmaster cannot be required to receipt for a telegram mailed at his office, unless it be regularly registered with full postage and registry fee prepaid by stamps affixed.

35. National bank-notes, being partly written, are subject to letter rates, and a registered package containing national-bank notes and silver would be subject to letter rates. See ruling 231.

36. Written visiting cards are first-class matter. See ruling 219.

37. "Old letters," when sent singly or in bulk through the mails, are subject to postage at the rate of three cents for each half ounce or fraction thereof.

38. There is nothing in the law or regulations to prohibit the sending of more than one letter in a sealed package.

39. A book and a letter presented for mailing, the same being tied or stuck together, are subject to letter postage.

40. There is no law prohibiting other writing than the address and return request on the envelopes of letters prepaid with one full letter rate, provided such other writing is not of the character prohibited by section 225, P. L. & R., and is done by the writers thereof. Nothing but an address must be put upon the address side of a postal card.

II. DROP OR LOCAL MATTER.

41. A "drop letter" is a letter deposited in a post office addressed to a person residing, or supposed to be residing, within the delivery of said post office.

42. On local or drop letters, at offices where free delivery by carriers is established, the rate of postage is two cents for each half ounce or fraction thereof. On local or drop letters, at offices where free delivery by carriers is not established, the postage is one cent for each half ounce or fraction thereof.

43. Drop letters deposited in a post office without any postage stamps affixed are not subject to double rates; they may be delivered upon the payment of the full amount chargeable thereon at the single rate.

44. There is no difference between the regular and the "drop" rate on third and fourth class matter. See ruling 241.

III. POSTAL CARDS.

45. The object of the postal card is to facilitate correspondence and provide for the transmission through the mails, at a reduced rate of postage, of short communications, either printed or written in pencil or ink. They may, therefore, be used for orders, invi-

tations, notices, receipts, acknowledgments, price-lists, and other requirements of business and social life; and the matter desired to be conveyed may be either in writing or in print, or partially in both.

46. In using postal cards, care should be taken not to paste, gum (except an address tag or label), or attach anything to them, or to write anything on the address side not permitted by ruling 49. They are unmailable as postal cards when these suggestions are disregarded, but are mailable as letters when additional stamps are affixed thereto to prepay letter postage, viz., two cents for a single rate, and three cents for each additional rate.

47. In their treatment as mail-matter, postal cards are to be regarded by postmasters the same as sealed letters, and not as printed matter, except that they should be examined to see that they are not unmailable by reason of bearing obscene expressions, and that in no case will unclaimed cards be returned to the writers. Such as have written communications thereon are to be sent to the Dead Letter Office, but in separate returns as required by sections 442 and 474, P. L. & R., and those containing printed, or partly printed and partly written, communications are to be placed with the waste paper.

48. The postage of one cent each required for postal cards is paid by the stamp impressed on the cards, and no further payment is required.

49. No printing or writing is permitted upon the address side of postal cards, except that imprinted thereon at the manufactory, and such as may be necessary for the proper direction of the same. All postal cards bearing any other writing or printing upon the address side are declared unmailable, and must be returned to the sender by the postmaster at the office where they may be mailed.

50. A request to "forward" or "return" must not be placed on the address side of a postal card. See ruling 49.

51. Under ruling 49, a return request or any other writing not necessary to complete the address on the address side of a postal card makes the card unmailable; but when, by inadvertence, such cards reach their destination, they should be delivered without additional postage. The amount of writing necessary to complete the address on a postal card must be determined by the local postmaster, without appeal.

52. An impression of a seal on the address side of a postal card will render it unmailable.

53. Postal cards that have been split, written upon the inside, and then pasted together, are unmailable.

54. It is the Postmaster General who is authorized by law to determine the quality, form, and size of postal cards, and prescribe the rules and regulations under which they may be sent in the mails, and it is not within the discretion of others to change the card so adopted. Such change of form or face will render the card unmailable.

55. Postmasters are forbidden to postmark postal cards on the side intended for the communication. The postmarks should be made only on the side intended for the address, and so as not to interfere with the address. See ruling 641.

56. The erasure of one address and the substitution of another on a postal card which has never been mailed, does not make it unmailable.

57. The words "to be called for," as referred to in section 345, P. L. & R. 1879, written on the face of a postal card, should be treated as part of the address, and do not render it unmailable.

58. Statements of accounts, bills, etc., and demands for payment thereof, printed or written on the side of a postal card not intended for the address, do not render the cards unmailable.

59. There is nothing in the postal law prohibiting a "dun," or threat of prosecution, being sent in the mail by postal card. Further than enforcing sections 225 and 226, P. L. & R., the Post Office Department takes no cognizance of the character of the language of such cards. A court of competent jurisdiction, and not the Department, is the proper source of protection against libel.

60. When anything whatever is attached to a postal card except an address tag or label it is thereby rendered unmailable as a postal card, and can only be sent in the mails as first-class matter.

61. A postal card which may be unmailable as a postal card (except those unmailable because obnoxious to the provisions of section 225, P. L. & R.), by reason of any violation of the laws and regulations governing their transmission in the mails, may nevertheless be transmitted if the sender shall affix a two-cent postage stamp thereto, which in addition to the stamp impressed thereon constitutes one full rate of postage.

62. When a postal card which is unmailable by reason of having anything attached to it except an address label should nevertheless reach the office of destination, it must be treated as an insufficiently prepaid letter, and two cents additional charged and collected on delivery.

63. Postmasters should not receive into the mail anything with a postal card affixed to it, except letter postage in full is paid on the entire package.

64. Postal cards are issued exclusively by the Post Office Department, and may be used either for printed, or written, or partly printed and partly written, communications. "Postal cards" issued by private parties are subject to letter rates of postage, when they contain any written matter whatever in addition to the date and name of the addressed and of the sender, and the correction of mere typographical errors therein. In getting up such cards, care should be taken not to imitate the cards issued by the Post Office Department, or have the words "Postal Card" printed thereon, or they may render themselves liable to prosecution.

65. Under section 143, P. L. & R. 1879, the Postmaster General is authorized to introduce and furnish for public use "double postal cards." He has not yet taken action under such authority, and until he adopts some device no cards purporting to be double postal cards can be sent in the mails, except at letter rates.

66. Postal cards must not be carried outside of the mail after the manner of postage stamped envelopes, as the stamps thereon cannot be canceled in a manner to insure security against their re-use, except at post offices.

67. When a postal card has been transmitted in the mails and delivered to the person named in the address, its character as a postal card is lost. If it be desired to again send it in the mails, it must be prepaid anew as for the class of matter to which it belongs; that is, if it be wholly in writing, or, if printed, bearing written matter in the nature of a personal correspondence, first-class rates; otherwise, third-class rates.

68. When any one is annoyed, or expects to be annoyed by postal cards sent from any particular place or from any known person, he may direct the postmaster at the point named to destroy all postal cards addressed to him, or cards from any person named so addressed, and so far as the discharge of the duties of the post office permit sufficient ex-

amination, the postmaster should comply with the request. The same request may be made of the receiving postmaster. The direction to the postmaster should be in writing and should be placed on the files of his office.

69. Unmailable and unclaimed postal cards containing communications wholly in writing should be sent to the Dead Letter Office, but in separate returns as required by sections 442 and 474, P. L. & R.

70. Blank or printed postal cards may be inclosed in third-class matter for reply without subjecting the package to a higher rate of postage.

71. Dead and unmailable postal cards should be treated as required by sections 478 and 481, P. L. & R. ed. 1879.

IV. SECOND-CLASS MATTER.

1. ENTRY

72. A new publication can be entered only upon presentation of a specimen copy to the First Assistant Postmaster General, which shall bear evidence that it is intended to be of the second-class of mail-matter, as defined in section 185, P. L. & R.

73. Publishers are no longer required to take an oath before being allowed to enter their publications at the pound rates.

74. On granting permit of entry to publishers of second-class matter, the postmaster should forward the duplicate certificate, together with a specimen copy of the publication, *in the same envelope*, to the office of the First Assistant Postmaster General. If upon examination in said office such entry is disapproved, he will be promptly advised. *Failure to receive advice means approval of entry.*

75. Postmasters should, when ordering newspaper and periodical stamps for the first time, send to the Third Assistant Postmaster General with their requisition a copy of the publication for the mailing of which the stamps are to be used, in order that its character may be first determined by the Department; and unless they shall send to the Department for newspaper and periodical stamps as soon as the first paper published at their office is presented for mailing, accompanied by a copy of the publication, *they will be held responsible for the difference in postage if the Department shall adjudge the publication to be third-class matter.*

76. The Post Office Department cannot decide upon the admissibility of any matter into the mails, or classification of any publication, unless a specimen be submitted for inspection.

77. Copies of publications sent by postmasters to the Department for ruling should always be inclosed in penalty envelopes, and addressed to "First Assistant Postmaster General," indorsed "Construction of P. L. & R."

78. No publisher is compelled to enter his publication as referred to in section 199, P. L. & R. ed. 1879, but all legitimate publications of the second class, whether old or new, are entitled to be so entered, and it is the earnest desire of the Post Office Department that the practice shall become universal. When a publication is formally entered each copy thereof should have the words of entry printed therein in some conspicuous place.

79. Failure to print the words "Entered at the post office as second-class matter," in the columns of a publication of the second class of mail-matter, does not affect its right to be mailed at the second-class rates.

80. The Department cannot undertake to advise publishers what they must insert or omit, to entitle a publication to the second-class rate. It is presumed that publishers will print whatever they believe to be to their own interest, and the Department can only rule upon the rate of postage to which publications are subject when they are presented.

2. OFFICE OF ENTRY AND MAILING.

81. Section 199, Postal Laws and Regulations, is amended so as to read in the third line, "at the post office nearest its claimed office of publication," instead of "at the post office where mailed."

82. Newspapers and periodicals can only be entered as second-class matter at the post office nearest their claimed office of publication.

83. It is the duty of every postmaster to carefully and constantly scrutinize the character of the publications mailed at his office at the pound rates, in order that publishers, after once securing admission of their papers as second-class publications, may not change the same into advertising sheets or in any way fail to comply with the conditions of section 185, P. L. & R. 1879; *e. g.* as to regularity of issue, genuineness of subscription list, etc., etc.

84. In order that postmasters may perform the duty enjoined by the preceding ruling, no publication can be mailed by the publisher at the pound rates, at any post office other than the office of entry. If there be any sufficient reason in case of any special publications for making an exception to this rule, the reasons therefor, with a copy of the publication, must be submitted to the First Assistant Postmaster General for his consideration.

85. A paper must be entered at the office of publication and a copy submitted to the Department and sufficient reasons assigned before permission will be given to mail it at another office.

86. A publication of the second class edited and published at one post office, but printed entirely at another post office, cannot be mailed direct to subscribers from the post office where it is printed unless by special permission from the First Assistant Postmaster General. Publications of this character are not, however, entitled to free county circulation unless the two offices are in the same county.

87. When a publication which has been entered at any post office as second-class mail-matter moves its office of publication into the delivery of another post office, such publication must be entered at the new post office in order to be mailed thereat.

88. Second-class matter cannot be mailed at the pound rate by the publisher or his agent from another post office back to the office of publication to evade the extra postage required by section 239 for delivery by carriers. See September (1881) Guide, page 9.

3. GENERAL QUALIFICATIONS.

89. Second-class matter is thus defined by sections 184 and 185, P. L. & R.: "Mailable matter of the second class embraces all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the following conditions: First. It must be regularly issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively. Second. It must be issued from a known office of publication. Third. It must be formed of printed paper sheets, without board, cloth, leather, or other sub-

stantial binding, such as distinguish printed books for preservation from periodical publications. Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers; Provided, however, that nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

90. Postmasters will be governed by the following general regulations and rulings of the Department in relation to the mailing of newspaper and periodical matter: 1. A newspaper or periodical cannot be mailed at pound rates unless the subscription price and name of publisher be stated therein, and if published by a corporation the names of the controlling members of the company must be given to the First Assistant Postmaster General. 2. Advertising sheets, or hand-bills, or circulars, or printed slips (except orders for subscription and bills and receipts for the same), folded within the issue of any publication sent to regular subscribers, subjects the same to the rates for third-class matter (one cent for every two ounces), and also to a fine of ten dollars for each such offense. 3. After a paper shall have been decided to be entitled to be mailed as second-class matter, postmasters should call the attention of the publishers of the same to the provisions of section 199, page 75, Postal Laws and Regulations of 1879, and request them to enter the publication at their office. 4. Second-class publications can only be mailed by publishers at the post office of original entry, except by special permission of the First Assistant Postmaster General, which will in no case be granted when it would enable the publisher to evade payment of the extra postage required for the delivery by the letter carriers of second-class matter mailed at free delivery offices for local delivery.

91. A musical publication, if it fulfill all other requirements of section 185, P. L. & R., is to be held as coming within the language of the section, "as a publication devoted to literature, the sciences, arts, or some special industry. A musical publication includes both a science and an art, and that a musical publication is sold, as pamphlets, books, and the several library publications are sold, without regard to date of issue, does not exclude one more than the others from admission to the pound rate, when there is regularity of issue, a subscription price, and a list of subscribers, or the edition, or a great part of it, is purchased at once by news-dealers. But if the publication is kept upon the counter of news-dealers and music-dealers for gratuitous distribution, or is given away to purchasers of music or other merchandise, it must be treated as third-class matter, and excluded from the pound rate.

92. In case of a doubtful publication the postmaster will obtain the publisher's answers to the following interrogatories, first calling his attention to section 197, Postal Laws and Regulations of 1879: 1st. The general business in which the owners and publishers of the paper or magazine are engaged, and whether they are in any way interested in any business advertised in the publication, and if so, what the interest is. 2d. How the compensation of the editors of the publication is determined. Whether in any manner dependent upon any special advertising in the paper or the profits of any particular advertiser. 3d. What interest, if any, the houses which advertise most extensively in these publications have in their publication, either by past connection or special contract, respecting advertisements or subscriptions. 4th. Whether the publications have a legiti-

mate list of subscribers, that is to say, subscribers who pay their own money for the publication, and receive it regularly, and their number. 5th. Whether the subscription price is a nominal one or not. 6th. What circulation each of these publications has, and what proportion it bears to its subscription list. 7th. How many copies, if any, are furnished to the special advertisers who make use of the columns of these papers, and on what terms are they furnished? 8th. Whether the fact that one house advertises so extensively in the columns of the paper is not a practical exclusion of others in the same line of business, from the same paper. 9th. Whether any or all of these papers are regarded by the trade in — as general organs of the trade, or special publications intended to advance the business interests of the several houses using them to advertise their business. 10th. Whether, notwithstanding the design of the publishers may be otherwise, the result is not the business advancement of their houses to such a degree as to make the papers advertising sheets? 11th. What proportion of the circulation is subscribed and paid for by the individuals, firm, or firms advertising most extensively therein, to be sent to addresses furnished by them, or to be distributed at the discretion of the publisher?

93. Postmasters must be particular to exclude from the benefit of the pound rates all publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates; and whenever they are in doubt as to the *status* of any publication offered for mailing they will submit the same for examination to the First Assistant Postmaster General, and accompany it with a statement of such facts as they may be in possession of respecting the publication, and the reason for their inability to decide as to its character. In every such case, however, postmasters should not delay mailing the publication; but they should exact of the publisher postage at third-class rates, upon condition that if the publication be decided by the Department to be second class, the difference in postage will be refunded.

4. ESSENTIAL CHARACTERISTICS OF SECOND-CLASS MATTER.

(a.) *Regularity of Issue.*

94. Unless a publication announces in its columns that it is published at regular stated intervals, — as often as four times a year, — of which fact postmasters should take note, it cannot be admitted to the pound rates. Annual and semi-annual publications are third-class matter.

95. University, school, and educational publications which are in themselves legitimate publications of the second class should not be debarred the privilege of the pound rates because they suspend their issue during vacation months.

96. Any publication which fills the conditions of section 185, P. L. & R., may change from a monthly to a weekly, or from a weekly to a daily, or *vice versa*, without impairing its rights in the mails as second-class mail-matter; but it should receive a new certificate of entry, stating its frequency of issue.

97. If one number of the current issue of a publication which has been admitted to the second-class rate be so changed as to assume the character of an advertising sheet within the intent of the statute, and be fraudulently mailed as second-class mail-matter, or presented for mailing at the pound rate, the right of the publication to the second-class rate is thereby destroyed, as it cannot be said to “regularly be issued at stated intervals.”

It cannot again be admitted to the pound rate until its regularity of publication as second-class mail-matter is reestablished.

(b.) *Office of Publication and Name of Publisher must be known.*

98. A postmaster should refuse to grant a permit of entry as second-class matter to any publication which does not disclose the name of its publisher or publishers, or if it be published in the name of a corporation, unless evidence is offered of the incorporation of the company and the names of its controlling members, as such evidence is required so that the Post Office Department may decide whether or not the publication is a mere advertising sheet, used to promote the business interests, other than as publishers, of the members or stockholders.

(c.) *Must not be an Advertising Sheet or an Auxiliary to other Business.*

99. Regular publications, designed primarily for advertising purposes, within the intendment of the last paragraph of ruling 89, are defined by section 187, P. L. & R., to be: "First. Those owned and controlled by one or several individuals or business concerns, and conducted as an auxiliary, and essentially for the advancement of the main business or calling of those who own and control them. Second. Those which, having no genuine or paid-up subscription, insert advertisements free, on the condition that the advertiser will pay for any number of papers which are sent to persons whose names are given to the publisher. Third. Those which do advertising only, and whose columns are filled with long editorial puffs of firms or individuals who buy a certain number of copies for distribution. Fourth. Publications containing market quotations, and the business cards of various business houses opposite the pages containing such quotations."

100. The requirement of the Department that a publications must be self-sustaining does not contemplate that a paper which bears evidence of being an advertising sheet shall include its revenue from advertisements in reaching such a result.

101. The Post Office Department decides that papers or magazines issued by persons who are engaged in pursuits of which publishing is not a necessary incident, may properly be held by postmasters to be, *prima facie*, designed to aid the business interests of those who publish them, and that it rests with such persons themselves to prove the contrary by satisfactory evidence.

102. A publication cannot be admitted to the pound rate when it is evident from its contents that subscriptions thereto are not based upon the value of the news or literary matter, but upon the merchandise which its publisher promises to give every subscriber. In such a case it is held that the primary object of the publication is to advertise and sell the so-called premiums, the subscription being "nominal" only. This conclusion is more clearly demonstrated when the advertisements in the paper also appear to be deceptive and fraudulent.

103. Trade journals which are manifestly not devoted to the general interests of the whole trade which they assume to represent, and do not admit all reputable firms or houses upon equal terms to their advertising columns, but publish the price-list or other advertisement of one house to the practical exclusion of all others in the same line of business, must be regarded as primarily designed for advertising purposes, and hence should be excluded from the pound rate allowed to second-class mail-matter.

104. Publications asserted to be issued in the general interest of printers and pub-

lishers cannot be admitted to entry as second-class mail-matter when it appears that the number of their paid subscriptions is so insignificant in comparison with their exchange lists as to demonstrate that the primary object of the publishers is to advertise their own business and that of others by means of a free circulation among other publishers and printers. The rate of two cents per pound does not cover the cost of transportation, but was agreed to by Congress in accordance with the uniform policy of the United States Government, from the first inception of the postal system; which has been to favor the diffusion of intelligence among the people by throwing upon the general public a large portion of the cost of carrying legitimate newspapers and periodicals to subscribers. The acts of July 12, 1876, and of March 3, 1879, show, however, that it was not the intention of Congress to permit the liberal rates of postage, given for the purpose of encouraging the diffusion of intelligence by legitimate publications, to be abused for the mailing of mere advertising sheets at the expense of the public; and there is nothing in the law to induce the belief that Congress proposed that advertising agents, type founders, press builders, and dealers in printers' supplies should enjoy the privilege of distributing their advertisements regularly among their customers or prospective patrons at the pound rate, while it prohibited a wholesale grocer from sending a publication descriptive of his goods in the same manner and at the same rate to all retail dealers.

105. The relative space occupied by reading matter and advertisements does not indicate the character of a publication with so much certainty as the nature of the advertisements and the style of the reading matter. As a general rule, it is well to scrutinize carefully, with a view to exclusion from second-class rates, any publication whose reading matter is all of the "patent outside" style, whose news items are dated much earlier than the date of the publication, and which advertises very largely for some one particular firm, especially when the publisher proposes to send several times more sample copies of each edition than the number of his regular subscribers.

(d.) *Subscriptions.*

106. The list of legitimate subscribers to entitle a publication to entry as second-class mail-matter must be composed of those persons only who themselves make and pay their subscriptions. The permission given by section 193, Postal Laws and Regulations, 1879, to include persons among the subscribers for whom payment has been made by other persons, applies only to publications which have been regularly entered as second-class mail-matter, after exhibiting legitimate lists of subscribers who pay their own subscriptions.

107. Publishers of second-class matter are entitled to send, at the pound rates, complimentary copies of their papers to authors who have contributed articles, as such copies are in part payment for services rendered.

108. The regular sale to news-agents of the whole or greater part of the issue of any publication is sufficient evidence that it has a legitimate list of subscribers.

109. Exchanges of regularly entered second-class publications are considered the same as subscriptions, as publishers furnish an equivalent for publications received by them in subscriptions to or advertising in their own publications. This applies only to exchanges of publications which have been regularly entered as second-class mail-matter.

110. Copies of newspapers containing tax notices which are required by law to be sent to certain officials, should, if the paper be regular second-class matter, be permitted to pass at the pound rates.

111. A guaranty by a publication of doubtful character of circulation in excess of subscriptions and *bonâ fide* sales is held to be evidence that the publication making such guaranty is "primarily designed for advertising purposes and for free circulation," and not entitled to be mailed at the pound rate.

(e.) *Nominal Rate.*

112. All postmasters should understand by this time that no publication issued for gratuitous circulation can pass in the mails except it be prepaid at third-class rates.

113. Unless a publication announces in its columns that it is published for a subscription price, — which must not be merely nominal, — it cannot be admitted to the pound rates.

114. When publishers state that their publication is furnished to subscribers for a year at no profit, they declare the subscription price to be "nominal," as referred to in section 185, P. L. & R.

115. A subscription price cannot be called "nominal" which sufficiently exceeds the cost of manufacture to afford a fair profit upon such a *bonâ fide* subscription as the publication, from its character and appearance, might reasonably be expected to secure.

116. A publication which announces a premium, or gift to subscribers almost equaling in value the subscription price asked for said publication, is not entitled to be sent in the mails as second-class matter.

117. A paper distributed among the members of a society, association, or club, upon the payment by members of the regular dues, and with no sufficient charge for said paper, is held to be intended for circulation at nominal rates, and must be treated as third-class matter.

118. When the owner of a publication which appears to be "primarily designed for advertising purposes" can offer satisfactory evidence to the postmaster at the office of publication that the advertisement of no reputable house in any business is excluded; that no discrimination is made in favor of any advertiser, by excluding advertisements of competitors, either absolutely or by charging higher rates than are required of non-competing houses for the same space and position; that quotations of prices current in the general market are correctly given, in addition to the price-lists of advertisers, and that it possesses sufficient value, in the opinion of the public, to induce a large enough number of subscriptions by persons who do not advertise in it, and have no interest in the advertisements therein, so as to make the publication self-sustaining, and a source of profit, independent of the benefits conferred upon the business, either of the proprietors, when they are not regularly engaged in the sole business of printing and publishing, or of the houses whose price-lists or other advertisements are published therein; then the Department holds that, in the judgment of the public, the publication is originated for the dissemination of information of a public character, and the presumption against it being thus removed, it may be admitted to entry as second-class mail-matter; but this evidence must be submitted in detail to the First Assistant Postmaster General, for his ruling as to its sufficiency.

(f.) *Re-admittance after Exclusion.*

119. When a publication which has once been entered as second-class mail-matter has afterwards been excluded from the mails at the pound rate by reason of a change in its

character, as above indicated, or in any other manner, if the publisher applies for its re-admission to entry as second-class mail-matter then the application to the postmaster must be accompanied by satisfactory evidence that the publication as presented complies with the provisions of the law, and an assurance that the causes of its former exclusion will not be repeated, which application and evidence must be presented by the postmaster to the Department before action. A favorable consideration may be anticipated with greater certainty when such application is accompanied by a tender of the amount of postage which should have been paid upon any third-class matter improperly mailed by the publisher at the pound rate.

(g.) Amateur Publications.

120. The following are the reasons which actuate the Department in excluding "amateur" papers from second-class rates: First. They are not issued from a known office of publication, as defined by section 186 of the Laws and Regulations, which is, in terms, "a public office for the transaction of the business of the periodical, where orders may be received for subscriptions and advertisements during the usual business hours." Second. They are not originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry within the contemplation of the act of March 3, 1879. It is regarded as one of the prerequisites of a second-class publication, that it contains matter of public interest in some one of the great departments of life. It must subserve some public use or meet some public demand. Amateur papers, as a rule, do neither the one nor the other. Third. They have no legitimate list of subscribers, but are published for the purpose of exchanging with other publications of the same class. Many of them are published for gratuitous circulation, in order to obtain the benefits of the free county distribution, and not a few of them by persons systematically engaged in defrauding the public, who assume the role of amateurs for the purpose of misleading the public as to the nefariousness of their practices.

5. TIME AND MANNER OF MAILING; PAYMENT OF POSTAGE, ETC.

121. Under sections 190-192 P. L. & R., publishers and news-agents must tender their newspapers and periodicals intended to be sent through the mails at the office of mailing so that they may be weighed in bulk. The postage is two cents a pound or fraction thereof.

122. It is not necessary that a publisher should mail his publication on the day or date of issue in order to obtain pound rates, but as far as possible the mailing should be continuous, and no mailing of less than a pound will be accepted unless upon payment for that quantity.

123. When necessary to send one edition of any publication going in one mail in several loads to the post office, no objection is perceived to the postmaster giving receipt for postage when the last load arrives; but all shipments going in one mail must be prepaid as presented.

124. It is the duty of a publisher to deliver his publication for mailing inside of the post office at such place as may be designated by the postmaster for receiving second-class matter.

125. The postage on second-class matter must be prepaid, according to the weight of

the matter to be mailed, by special adhesive stamps known as newspaper and periodical stamps, which are furnished by the Department to postmasters for the purpose of affixing to the stubs in their receipt books a sufficient amount of the same to correspond with the amount of postage collected by them. Ordinary postage stamps cannot be used for such matter, nor can the newspaper and periodical stamps be used for any other purpose, and under no circumstances whatever are they to be furnished to the public, or sold or loaned to other postmasters.

126. After weighing the second-class matter received for mailing, and immediately collecting the proper amount of postage thereon, the postmaster will give a receipt to the party mailing from a book of forms to be furnished by the Department. The stamps will then be affixed to the stub of the receipt, and at once effectually canceled. *A failure to so attach such stamps will subject the offender to the penalties prescribed by law for embezzlement.*

127. Postmasters must not give credit for postage ; if they do so it will be at their own risk. The regulations do not contemplate the keeping of running accounts with publishers ; each consignment going in one mail should be paid for by itself.

128. The stub books are to be kept permanently in the post office, ready to be produced whenever demanded by the Department. The stamps attached thereto must never be removed, nor the books disposed of otherwise than as directed by the Department.

129. Immediately after the close of each and every quarter, all stub-books, with the proper amount of stamps affixed to the stubs thereon to cover collections of postage on second-class matter made during the three months preceding, must be returned, registered, to the Third Assistant Postmaster General for examination and adjustment. The books to be returned must be distinctly marked with the name of the post office at which they were used, and the amount of postage appearing on them should be carefully footed up each quarter. If less than two hundred and fifty (250) of the receipts have been used during the quarter, instead of returning the entire book, the used stubs are to be detached therefrom, arranged in numerical order, securely fastened together in the upper left-hand corner, and forwarded, by registered mail, to the Third Assistant Postmaster General, Washington, D. C. The receipts remaining in the book are to be retained for future use.

130. Postmasters having second-class matter to mail should keep themselves fully supplied, by requisitions on the Third Assistant Postmaster General, with newspaper and periodical stamps.

131. Should the supply of periodical stamps at any time become exhausted, the postage on such matter should be collected in money, and the necessary stamps afterwards attached when they are obtained from the Department. This course should also be pursued in the case of postmasters at whose offices newspaper or periodical matter is mailed for the first time. In either case, however, no delay should be made in ordering a full supply of stamps.

132. Newspaper and periodical stamps furnished to postmasters will be charged to them, and must be accounted for in the same manner as ordinary postage stamps issued for sale to the public.

133. Postmasters will also be required to render promptly to the Third Assistant Postmaster General, at the close of each quarter, on blanks furnished for the purpose (Form No. 3235), a statement of postage collected from each publisher and news-agent during

the whole quarter. In rendering his first statement a new postmaster will state, separately, the amount collected by himself and that collected by his predecessor in the same quarter, giving the exact date, also, when the change of postmasters took effect.

134. Employees of the railway mail service are prohibited from receiving newspapers, etc., from publishers and news-agents, unless the packages are accompanied by a certificate from the postmaster at the nearest post office that the postage has been paid thereon.

135. There is no limit of weight for packages of second-class matter.

136. In weighing newspaper and periodical matter brought to a post office for mailing, the postmaster is authorized to deduct the weights of the sacks usually employed for the purpose, which have been ascertained by actually weighing them to be as follows : No. 1 jute sack, 2 pounds 8 ounces ; No. 2 jute sack, 2 pounds ; No. 1 cotton sack, 3 pounds 4 ounces ; No. 2 cotton sack, 2 pounds 8 ounces.

137. Unbound back numbers of any second-class matter may be mailed at the pound rates. Bound back numbers should be treated as books and prepaid as third-class matter.

138. A publisher who issues several publications, the same being legitimate matter of the second class, and who may have subscribers who take more than one of them, may mail in one wrapper all that each subscriber takes.

6. FREE COUNTY CIRCULATION.

139. Under section 25 of the law of March 3, 1879 (section 239, P. L. & R. 1879), newspapers and other publications of the second class (without regard to frequency of issue), when not mailed at an office of free delivery for delivery by its carriers, one copy to each subscriber actually, for the time being, residing in the county where the same are printed, in whole or in part, and published, are entitled to pass free of postage through the mails ; *but they shall not be delivered at letter-carrier offices, nor distributed by carriers*, unless postage is prepaid thereon at the rate of two cents a pound or fraction thereof.

140. To entitle a publication to be sent free in the county, it must first be decided to be of the second class of mail-matter, as described in section 185, P. L. & R., and it must "be printed in whole or in part and published" (section 239, P. L. & R.) in the county where the subscribers reside.

141. No second-class publication can be sent free to a person living outside of the county where the same is "printed in whole or in part and published," although such person may receive his mail at a post office within the county.

142. A permit of entry as second-class matter issued to a publication which may be printed in one county and published in another, simply gives such publication the right to the pound rates, but does not give the right to free circulation. No paper is entitled to free circulation except it be "*printed in whole or in part and published*" in the county where it is to be mailed.

143. When permission is given to mail a second-class publication at an office which is not the nearest office to its claimed place of publication, such permission does not include any right to mail free, unless said remote office is also within the county where said publication is "printed in whole or in part and published."

144. A publisher has the right to send to his subscribers, with his own paper, another publication of the second class at the pound rates of postage (see ruling 190); but in the case of subscribers residing in the county, he cannot inclose in the same wrapper with

his own paper any publication which is not printed in whole or in part and published "in the county in which the subscriber resides, without paying the pound rates on such a package. He may, however, mail the same in a separate package and pay the pound rate thereon.

145. Relative to the free county circulation of a paper containing a supplement which has not been printed in whole or in part in the county, see ruling 172.

146. A news-dealer is not entitled to mail any matter free of postage, except a second-class publication which is "printed in whole or in part and published" in the county in which said news-dealer is located, and in which the party addressed—who must be a regular subscriber to such publication—resides. Sample copies cannot be mailed by publisher, or news-dealer, free of postage.

147. If a subscriber to a county paper lives *within the county* where the same is "printed in whole or in part and published," he is entitled to receive his copy thereof free from the post office at which he regularly receives his mail, though such office may be outside of the said county, and a subscriber who *does not* reside in the *county* where the paper "is printed in whole or in part and published," cannot receive the paper free, even though his post office may be in the aforesaid county, where "printed in whole," etc.

148. Section 371, P. L. & R. ed. 1879, authorizing the forwarding of *fully prepaid* second, third, and fourth class matter at the request of the party addressed without additional charge for postage, does not apply to "free county newspapers" ordered to be forwarded out of the county; they may be forwarded to any other office in the county where printed and published without additional charge, but an order to forward such papers outside of the county should be accompanied with postage sufficient to pay the transient rate thereon.

7. FREE-DELIVERY OFFICES.

149. Under the proviso of section 239, P. L. & R., the postage on newspapers (*excepting weeklies*) and periodicals, deposited in a letter-carrier office for delivery by its carriers, is as follows: 1. On newspapers (excepting weeklies, for the rate on which see division 4 of this ruling), whether regular or transient, and without regard to weight or frequency of issue, one cent each, to be prepaid by affixing *ordinary* one-cent stamps to each paper. 2. On periodicals (other than newspapers), whether regular or transient, not exceeding two ounces in weight, one cent each, to be prepaid by affixing an *ordinary* one-cent stamp to each paper. 3. On periodicals (other than newspapers), whether regular or transient, exceeding two ounces in weight, two cents each, by affixing *ordinary* two-cent stamps to each paper. 4. Weekly newspapers, excepted above, to regular subscribers, two cents per pound, to be weighed in bulk, and prepaid with "newspaper and periodical stamps" at the office of mailing.

150. Second-class matter, mailed at a post office where free delivery is not established, if addressed to a free-delivery office in the same county, must, therefore, be presented for mailing in a separate package from the free county matter, and in the same manner as matter directed to subscribers residing outside the county is required to be mailed by section 242, P. L. & R. 1879.

151. Postmasters at other than letter-carrier offices are obliged to distribute local free county newspapers, to subscribers, through their offices, one copy only to each subscriber, provided the same are properly dried, folded, and addressed. Section 265, P. L. & R.

152. Weekly publications, including exchanges and sample copies, may be mailed at

the pound rates at any letter-carrier office, and will be delivered by the carriers; newspapers, other than weeklies, may prepay such copies as are intended for delivery from boxes or general delivery of letter-carrier offices, including exchanges and sample copies, at the pound rates, but all copies intended for delivery by carriers must be prepaid at the rate of one cent for those not weighing over two ounces, and two cents for those weighing over two ounces.

153. Publishers at a letter-carrier office cannot mail publications, except weeklies, to subscribers within the carrier delivery at the pound rate.

8. SAMPLE COPIES.

154. Sample copies of second-class publications must be exactly like the regular edition sent to subscribers. Sample copies made up of only a portion of the reading matter and advertisements, or containing advertisements in addition to those contained in the regular edition, must be prepaid as third-class matter.

155. "Sample copies" of any second-class publication may be mailed at the pound rates, but they must be *bonâ fide* sample copies, and not advertiser's copies, having a portion of the regular matter taken out and special advertisements inserted in place thereof, nor can sample copies be sent to names furnished by advertisers or by persons in the interest of advertisers.

156. Sample copies of second-class publications are not entitled to free county circulation; they must be prepaid at pound rates.

157. Section 205, P. L. & R., has been amended so as to read as follows: Sample copies of second-class publications, when offered for mailing in quantities, should be put up in separate packages, with a written memorandum on the wrapper thereof that the package contains "sample copies." The words "sample copy" need not be printed or written on the papers themselves, though it would very much aid the Department if this were universally done.

158. The Post Office Department does not hold that under the spirit or letter of the section allowing publishers to mail sample copies of second-class matter, it ought to compel them to add to the address, on such sample copies, the street and number of the person addressed.

159. Section 231, P. L. & R., is understood by the Department to declare what publishers of second-class matter may write or print thereon or therein for their own purposes, and not what, as the agents of the Department, for their convenient transaction of business with it, the Department may require them to add; therefore, section 205 does not conflict therewith, and publishers may print on their publications, as well as on the wrappers thereof, the words "sample copy." When the words "sample copy" are printed on the publications they need not be put up in single wrappers, but may be sent in packages addressed to a post office on the outside; each copy or set of copies for one person being separately addressed.

160. When publishers inclose their sample copies in the same package with copies intended for regular subscribers, the package should be returned to them for compliance with section 205, P. L. & R. The attention of publishers should also be called to the provisions of section 242, P. L. & R.

161. Any number of sample copies of a publication of the second class of mail-matter may be sent to one address, provided it is not done at the instance or for the benefit of

an advertiser, or to carry out a contract with advertisers to mail a certain number of copies.

162. A contract by a publisher to give an advertiser a specified circulation, in excess of his regular subscription, by means of sample copies, will, when any doubt exists as to the character of the publication, be regarded as evidence that the publication so circulated is subject to third-class rates.

163. Publishers will not be permitted to use the exceptional advantages given to them by the law so as to defraud the Post Office Department by mailing as sample copies extra numbers of their publications ordered by advertisers, or by other persons, to be sent to specified addresses, and apparently intended, from the nature of the contents or of marked portions thereof, to serve the business, or personal interests of the person or persons ordering the same. Such copies are third-class matter, and must be prepaid by stamps at the rate of one cent for each two ounces or fractional part thereof. Marked copies must be paid for at third-class rates or the publisher will incur a fine of ten dollars upon each copy mailed.

164. When more than one thousand sample copies of the first issue of any new publication are offered at any post office to be mailed at the pound rates, postmasters are instructed to refuse to forward such sample copies, until a copy of the publication has been submitted to the Department, accompanied by the answers of the publishers to the interrogatories contained in *Ruling 92* of this issue of the Guide, and the ruling of this Department thereon has been received by the postmaster, unless third-class rates are deposited, subject to the decision of the Department as to its proper classification.

165. When such an unusual number of sample copies of any periodical are offered for mailing as to afford ground for suspicion that they are to be sent in the interest of advertisers, in violation of section 204, P. L. & R., and ruling 163, and not to secure subscribers, the copies addressed to subscribers should be forwarded, and the sample copies detained until the facts can be ascertained. An inspection of the addresses upon the sample copies will often indicate whether they are intended to induce subscriptions for the periodical or to circulate the announcement of the advertiser. An attempt to secure such fraudulent circulation will be evidence tending to show that the publication should be classed as an advertising sheet.

166. Section 204, P. L. & R., has been amended by striking from the fourth line of said section the words "or by campaign committees," and from the sixth line the word "political."

167. Publications with circulation based almost entirely upon sample copies are expressly excluded by law from the pound rate.

168. The law relative to sending sample copies of second-class matter does not contemplate the continuous sending of copies to the same addresses. Two or three numbers may be so sent to attract the attention of the person addressed.

169. After a publication has been admitted to entry as second-class mail-matter, the regular mailing, by the publisher, of sample copies in quantities exceeding the number sent to regular subscribers, as well as the continuous mailing of such copies to the same person, will be taken as evidence that it is primarily designed for free circulation, and its transmission at the second-class rate should be discontinued.

170. Postmasters must not distribute sample copies of second-class matter addressed to them, through the boxes or general delivery of their offices.

171. Sample copies of newspapers undeliverable for any cause should be treated the same as other dead domestic printed matter, as stated in section 480; except as provided in section 478, P. L. & R., notice to publisher is not necessary in the case of sample copies.

9. SUPPLEMENTS.

172. There is no objection to a paper consisting entirely of literary matter, and not containing any advertisements, being adopted as a supplement and sent at the pound rates with the paper it supplements, although it is not printed at the office of the paper adopting it, or within the county. But it cannot be permitted to pass free in the county, because it is not, as the law requires, "printed in whole or in part" within the county, and the removal of this restriction would permit a violation of the law by inducing papers to issue matter not printed in the county for the purpose of securing such free circulation. The circulation of such matter, whether within or without the county, must be at the pound rate.

173. No supplement containing any advertisements whatever can be allowed in the mails at the second-class rate, unless the publisher make affidavit that the same rates are paid to him for the advertisements contained in the supplement as for those in the body of the paper itself. Publishers desiring to send out supplements should file with the postmaster the following affidavit:—

"The undersigned, publisher of the —, hereby makes oath that neither he nor any other proprietor, clerk, agent, or employee within his knowledge, will send, or cause, or permit to be sent through the mails at the second-class (pound) rate, any supplement containing any advertisements whatever, unless such advertisements are paid for at the same rate as those in the body of the paper itself, prominence and space in the supplement being charged for at the same rate as in the paper itself. [Name and place.]

"Sworn and subscribed before me this day of 188 .
[Signature and title.]"

When such an affidavit has been filed it will not be necessary to repeat it, except when the publication changes hands. But the making of this affidavit will not dispense with the other requirements in regard to supplements; it will not secure the admittance of hand-bills or posters, or advertisements in a form intended for circulation independent of the paper itself or without the date of issue; nor will it authorize the use of cuts or illustrations in advertisements which would not be admitted in the body of the paper. The supplement must contain matter printed therein, either because there was no room for it in the body of the paper without the sacrifice of legitimate matter, including advertisements, or because received too late to be printed in the paper, or for greater convenience in the mechanical process of issuing the paper, and which would not have been printed in the supplement but for one of the foregoing reasons. Therefore the advertisements contained therein must be of the class of matter, style of illustration, and display common to the entire paper. Postmasters will be held strictly responsible for the mailing of any matter in violation of this ruling, and are required to report all such violations coming under their notice. This ruling does not apply to legal advertisements, such as tax sales, state, city, county, and court official notices of all kinds.

174. A paper printed in the form of the newspaper to which it purports to be a supplement will be accepted as such if it contains only literary matter usual to newspapers; but if it contains advertisements, then in order to determine that the added sheet is not

simply a hand-bill or poster, as referred to in section 208, P. L. & R. ed. 1879, there must be contained therein some distinct announcement of the paper which it accompanies, and the said paper which it purports to supplement must also contain a statement that a supplement has been added to the issue of that date, which it must in some satisfactory manner identify. Such a statement, however, will not be accepted as changing the character of any hand-bill or poster which may be offered as a supplement.

175. A supplement which contains any advertisements whatever, must bear the title, date, and number of the paper which it purports to supplement, and must be printed at the office of publication of such paper, except in the case of supplements containing legal advertisements, such as tax sales, which may be printed at another office than that of the paper with which they are mailed.

176. Hand-bills, posters, special advertisements, etc., cannot be considered as "supplements" as defined in section 206, P. L. & R., ed. 1879. Newspapers containing any such matter arriving at an office of delivery without evidence of prepayment by stamps affixed, should be rated up as stated in section 208.

177. No supplement can be accepted as legitimate which contains one or more large displayed advertisements, and in which the reading matter is composed almost entirely of clippings, or of recommendations of the persons or things advertised.

178. Supplements must be folded within the issue of the number which they are intended to supplement. If mailed separately they must be prepaid as third-class matter.

179. Although the Department does not recognize "editions" of a paper as constituting distinct publication of a paper, yet a paper may be printed in editions, and the later editions may contain matter, both in news and advertisements, in addition to, or in substitution of, other matter in former editions; but such editions are only entitled to second-class rates when the matter is for general circulation among subscribers, and is not specially set apart in the interest of an advertiser. The words "printed name and address of the publisher or sender of the same," as used in section 231, P. L. & R., do not authorize the printing of the name of one publisher or sender on a portion of one issue of a paper, and another name of publisher or sender on another portion of the same issue. If this is done it excludes the whole issue from pound rates. Pound rates cannot be used for the purpose of circulating special advertisements and indicating the advertiser as the sender.

180. The words "supplement to," etc., printed on a poster, hand-bill, or special advertisement of some corporation, company, or person, does not change its character from third to second class matter; when inclosed in second-class matter they not only subject the packages to the charge of third-class rates at offices of delivery, but also subject the publishers to a fine of ten dollars for every package mailed containing such inclosures.

181. The publisher of any periodical which may be entered as second-class matter may inclose, at the beginning or close of the year, an "almanac" within an issue thereof as a supplement; provided, the words "Supplement to No. ——" is printed thereon and mention is made in the columns of the publication that such supplement is inclosed. But almanacs, except when mailed as above, must be treated as third-class matter.

182. An extra of a regular second-class publication is entitled to pound rates. It must be a genuine extra, issued for the purpose of communicating news, and not an advertising sheet.

10. RIGHTS OF NEWS-DEALERS AND PUBLISHERS.

183. Second-class publications may be mailed in bulk to news-dealers at the pound rates, and may be remailed at the same rates by such agents to other news-dealers, or to a branch of their own offices, or to their subscribers. If any other class of matter is included in the packages, the postage must be prepaid at the higher rate.

184. News-dealers desiring to mail publications to regular subscribers may now do so without complying with the requirements of section 200, P. L. & R.

185. News-dealers are entitled to return unsold copies of legitimate publications of the second class at the pound rates of postage, and the requirements of section 200, P. L. & R., need not be enforced; but when they place any third-class matter in such packages, the rate for third-class matter must be prepaid. The newspaper and periodical stamps must be used for all packages entitled to be prepaid at the pound rates.

186. The privilege of returning unsold or unused copies of second-class matter to the publishers at the pound rates is not given to private individuals, as, for instance, to a Sunday-school superintendent, but is only granted to news-agents. The publishers can remain them at the pound rate, after they have been returned to them.

187. News-dealers cannot receive free of postage more than one copy of any publication printed in whole or in part and published in the county in which they reside.

188. A postmaster has no right to open a news-dealer's packages and distribute any of the papers therein to subscribers through the post office free. If a news-dealer wishes to serve his subscribers through the post office he must mail the papers to them regularly, paying second-class postage thereon.

189. A news-dealer cannot take a package of newspapers or periodicals out of a post office, write an address on each copy, and then return them to said office for delivery, or to be sent again in the mail, without additional prepayment of postage at regular rates, except in the case of a paper "printed in whole or in part and published" in the county where said news-dealer is located, and the parties addressed are living and are regular subscribers to it.

190. There is no reason perceived why, under the same conditions, a publisher who originates second-class matter, and also deals in it, should not receive equal consideration in mail facilities with the news-agent who simply deals in second-class matter, but produces none. A publisher, therefore, of a legitimate second-class publication, who purchases for his subscribers a certain portion of an edition of another second-class publication, whether the same be a campaign or yearly edition, is to be treated as a "news-agent," under section 202, P. L. & R. 1879, and he may receive such matter through the mail in bulk from the publisher, and distribute the same with his own publication.

191. Publishers are entitled to the same privileges as news-dealers, and the right of the latter to send a package of second-class matter to any purchaser at pound rates has never been questioned. Section 204, P. L. & R., does not prohibit bulk packages of copies ordered by any one to be sent to him by a publisher at pound rates, but does prohibit the practice which has been attempted in some of the large cities of furnishing a publisher with a list of names to which papers containing some particular advertisement are to be sent. Section 185, P. L. & R., requires a second-class publication to have a legitimate list of subscribers; but when a paper is once admitted as second-class matter, there is nothing in the law or regulations which limits the pound rate to copies sent to

actual subscribers, provided the quantities sent out without payment therefor are not so excessive, as compared with the number paid for by actual subscribers, as to render the price received for the entire edition merely nominal.

192. Only publishers and news-dealers have the right to send publications at pound rates. Any other person to whom a package of second-class matter is forwarded will not have the right to open and direct and send single copies at pound rates to other offices. Single copies, or any number of copies, forwarded by such person will be subject to third-class rates.

11. CLUB MATTER.

193. When postmasters are furnished with a list of names of persons constituting a "club" of subscribers to any newspaper, magazine, or periodical coming in the mails, it is their duty to deliver the same in accordance therewith, and when necessary for their own convenience to write the names on the papers; provided that this regulation shall not apply to offices where free delivery is established.

194. Ruling 193 does not prohibit a publisher from sending a package for a club to one address. When this is done, the party addressed may call at the post office and write the addresses on single copies and the postmaster may then deliver them; but the package cannot be taken out of and away from the post office to have the single copies returned again for delivery, or to be sent again in the mails without being prepaid anew.

195. A publisher, in order to secure club subscribers, has the right to send another publication of the second class with his own at the pound rates. See rulings 144 and 190.

196. The term "club" cannot be applied to parties who receive papers through a news-agent.

12. DISPOSITION OF UNDELIVERED SECOND-CLASS MATTER.

197. When a person moves from within the delivery of one post office into another, to remain permanently, such person should notify the publishers of any newspapers, etc., which he may take, of his changed address, and if his papers still arrive at his late address to be forwarded to his new address, the postmaster at his late address may, after first requesting him to notify the publishers, and after thirty days have elapsed, discontinue forwarding, and himself notify the publisher as stated in section 471, P. L. & R. See rulings 201 and 461.

198. When subscribers to newspapers fail to notify publishers that they have changed their address, the postmaster may do so, as a matter of courtesy, using an official envelope for the purpose.

199. The regulation requiring a postmaster to notify a publisher when his publication has not been taken out for thirty days, does not prohibit a postmaster from notifying a publisher earlier than thirty days, if the facts in the case warrant him in so doing; but unless there is positive information that the person addressed will not call for them, second-class publications should be held on delivery for thirty days.

200. One notification to a publisher that his publication is not taken out of a post office is all that the postal regulations require postmasters to send, but there is nothing to prohibit the sending of a second one in the event of the first being disregarded. Postmasters are frequently complained of to the Post Office Department as not having sent the requisite notice, therefore they should make some record of the fact when they notify a publisher.

201. Blank forms for notices to publishers under section 471, P. L. & R., can be obtained upon application to the Superintendent of the Blank Agency, Post Office Department, upon which no postage or envelope is required.

202. Postmasters should not notify publishers that "sample copies" are not taken out of their offices; but they should be careful to send notice when subscribers fail to take out their papers, in accordance with section 471, P. L. & R. 1879. See ruling 201.

203. Postmasters must notify the publishers of newspapers and periodicals in Canada, whose publications are received in the mails from that country for subscribers residing in the United States, when any such subscribers shall refuse to take from the office of destination, or neglect to call during the period of one month for such newspaper or periodical addressed to him or her, in the same manner as provided by section 471 of the Postal Laws and Regulations, 1879, in the case of newspapers and periodicals of United States origin refused or not taken by subscribers.

204. Refused or uncalled-for regular second-class matter may be returned to the publisher at pound rates of postage, upon his remitting to the postmaster an amount sufficient to prepay the postage thereon.

205. Undelivered newspapers should not be returned to the publisher by postmasters, except as provided in section 478, P. L. & R. 1879.

206. The liability of persons who take newspapers, periodicals, magazines, etc., coming to their address, out of a post office, for the amount of subscription thereto, is not determined by any postal law or regulation. It is entirely a question of common law, between publishers and subscribers, with which postmasters have nothing to do, they being required to deliver properly prepaid matter to the persons named in the address.

13. COLLECTION OF THIRD-CLASS RATES.

207. If a postmaster has positive knowledge that a publication arriving at his office without evidence of having been prepaid by stamps affixed has been decided by the Post Office Department to be third-class matter, he should rate up the packages with third-class rates, to be collected on delivery, and report the facts in the case to the First Assistant Postmaster General. If from the contents of the paper he is satisfied that it should be rated as third-class matter, he may forward a copy to the First Assistant Postmaster General for his decision.

208. Money collected from publishers for postage upon third-class matter illegally mailed at the second-class rate should be converted into ordinary postage stamps, which stamps should be affixed to a sheet of paper, canceled, and mailed immediately to the Third Assistant Postmaster General, with a statement of the facts. The stamps will be accounted for as sold, and at fourth-class offices as canceled. The First Assistant Postmaster General should also be advised immediately by postmasters of this action.

209. Relative to the disposal of the amount of the penalty incurred under section 233, P. L. & R., when voluntarily deposited with the postmaster, see ruling 690.

14. EXCHANGES.

210. The exchange of publications is not controlled by postal law. After a suspension of any publication, the late publisher may claim to be entitled to receive certain exchanges by reason of a contract for advertising unexpired. Postmasters cannot decide such questions, and must follow directions of the late publisher. It is supposed that the

failure to receive an "exchange" would attract the attention of an exchanging publication office, which should act in accordance with its understanding with the late publisher.

V. THIRD-CLASS MATTER.

211. Mail-matter of the third class embraces books (printed and blank), transient newspapers and periodicals, circulars, and other matter wholly in print, proof-sheets, and corrected proof-sheets and manuscript copy accompanying the same, hand-bills, posters, chromo-lithographs, engravings, envelopes with printing thereon, heliotypes, lithographs, photographic and stereoscopic views with title written thereon, printed blanks, printed cards; and, in general, all impressions or copies obtained upon paper, parchment, or cardboard by means of printing, lithographing, or any other mechanical process, except the copying press, and postage shall be paid thereon at the rate of one cent for each two ounces or fractional part thereof.

212. Reproductions from originals, not in the nature of personal correspondence, produced by the electric pen, papyrograph, metallograph, hectograph, cheirograph, copy-graph or similar mechanical process easy to recognize, are entitled to pass in the mails in unsealed envelopes as third-class matter; but blanks produced by these processes, or by ordinary printing filled out in writing, are subject to letter postage, even in unsealed envelopes. See ruling 311.

213. The rate of postage on third-class matter is one cent for each two ounces or fraction thereof, to be prepaid by stamps affixed to each package to one address. The fact that an unsealed package of printed matter should contain the circulars of several business houses would not impair its character as third-class matter.

214. Under section 215, P. L. & R., books are third-class matter, whether wholly in print or not. Any writing therein, not permitted by ruling 1, subjects them to letter postage. Blank books, copy books, etc., must also be considered as books, and not as fourth-class matter.

215. There is no limit of weight to single volumes of books; other third-class matter is limited to four pounds.

216. For plain definition of "printed matter," see section 219, P. L. & R.

217. A number used on a printed assessment card in place of an address, is not held as subjecting the same to any higher rate of postage than for third-class matter.

218. Canceled postage and revenue stamps, when the packages are put up so as to admit of ready examination, may be sent in the mails as third-class matter.

219. Printed cards in packages done up so as to admit of examination are third-class matter. See ruling 36.

220. "Prospectus books" without writing in them, and without samples of binding inclosed, are third-class matter; with writing therein, first class; with samples of binding included, fourth class. See ruling 217.

221. "Book manuscript" is a term no longer used in the postal law. Manuscript accompanied by proof-sheets and corrected proof-sheets relating to it may pass in the mails as third-class matter in unsealed packages. See ruling 4.

222. Corrected proof-sheets of printed maps, with or without manuscript copy, are entitled to be returned to the printer, or engraver, at third-class rates.

223. When any matter of the third class is inclosed in a package of fourth-class mat-

ter, it becomes subject to postage at the rate for fourth-class matter, — one cent for each ounce or fraction thereof.

224. Blank or printed postal cards may be inclosed in third-class matter for reply without subjecting the package to a higher rate of postage.

225. The law does not authorize an envelope addressed in writing to be inclosed in an open envelope containing third-class matter.

226. Photographs are third-class matter. So, also, are printed labels, tickets, business cards, for it is the printing that gives the use and value to each. This is also true of valentines and fancy lithographed cards; even in quantities, and of any matter where the main purpose is the information conveyed by the printing. When it is once settled that the thing is printed matter, its use as merchandise cannot, under postal law, change its rating. Printed envelopes are fourth class, for it is the envelope that is the thing of use and value, and being merchandise before printing, and its use continuing the same notwithstanding the printing, its classification is unchanged. So of bill-heads, letter-heads etc., where the paper is out of all proportion to the printing, and the use intended is beyond the information conveyed by the printing.

227. Printed matter sent through the mails as samples of the printing thereon, and for the purpose of securing orders for like printing to be done by the sender, should be classified as third-class. Such matter sent as a sample, both of the printing and the paper, and to secure orders for both as a whole, raises a question of some difficulty. Here the matter is sent as a sample of printing, and also as a sample of paper, which is merchandise. The object of the sender is to invite trade by exhibiting a sample of his material and the character of his work. If he uses no more paper than is reasonably necessary or proper to convey the printed information, and if the matter is "wholly in print," conveying no further information than is to be found in the print, except such as may be obtained by an inspection of the paper upon which the printing is impressed, having no written description of the paper, nor any portion of the same left blank, or added to the package for the avowed purpose of exhibiting the blank material as such, it is printed matter; what proportion the space occupied by the printing should bear to the size of the sheet, or bulk or weight of the paper upon which it is impressed, or what is a necessary, reasonable, or proper amount of paper to be used in the composition of any given amount of "printed matter," are questions upon which it is, of course, impossible to lay down any general rule. It is clear that when the merchant means only to advertise his goods in a usual and legitimate manner it is third class. The circular does not in any sense purport to be a sample of his goods, while the printer and the stationer, availing themselves of precisely the same form of printed matter, manage in an incidental manner to exhibit a sample of the goods in one instance, and the work in the other, yet it is such an incidental use as does not change the character of the matter. An editor, for instance, in advertising the manufacturer of the material used in the publication of his paper, might well add that the paper itself was purchased of the advertiser, and a sample of his material. If the purpose is the publication, and if the material upon which the publication is made be the usual and natural one used, any incidental benefit of such use can be available to the maker or seller of the material. But where the sole purpose is to exhibit the material upon which the printing is done as a sample, and the printing thereon is only in aid of such purpose, the matter thus exhibited is not properly second or third class matter. The twenty-second section of the act of March 3, 1879,

expressly authorized the sender to print or write certain matter upon any article of the fourth class, and of course it cannot reasonably be insisted that such printing or writing changes fourth-class matter into printed matter.

227 *a.* Relative to the length of time unclaimed printed matter should be held before being sent to the Dead Letter Office, or disposed of as waste paper, see ruling 461.

VI. FOURTH-CLASS MATTER.

228. Mailable matter of the fourth class embraces blank cards, card-board, and other flexible material, flexible patterns, letter envelopes and letter-paper without printing thereon, merchandise, and samples of merchandise, models, ornamented paper, sample cards, samples of ores, metals, minerals, seeds, cuttings, bulbs, roots, scions, drawings, plans, designs, original paintings in oil or water colors, and any other matter not included in the first, second, or third classes, and which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of any one engaged in the postal service. Postage rate thereon, one cent for each ounce or fractional part thereof.

229. Samples of merchandise are fourth-class matter; subject to postage at the rate of one cent for each ounce or fraction thereof when wrapped so as to admit examination. Such samples may have tickets or tags affixed, with name, width, price, etc., printed or written thereon, without subjecting the packages to any higher rate of postage. See rulings 9 and 240.

230. The Department holds indented or perforated sheets used by the blind for conducting their correspondence, when sent in unsealed packages, as matter of the fourth class, subject to postage of one cent per ounce.

231. A "greenback" is fourth-class matter, as it contains no writing. Greenbacks and silver may be mailed together in registered packages as fourth-class matter. See ruling 35.

232. Crayon drawings without writing thereon are fourth-class matter.

233. To print a circular on wooden slips would not entitle it to third-class rates, the wooden slips being fourth-class matter. See section 219, P. L. & R. 1879.

234. An album of any kind without entries therein, going from a dealer to a customer, is fourth-class matter.

235. Coin may be sent in the mails as fourth-class matter. It may also be sent in registered packages at rates and under rules for registered fourth-class matter.

236. No good reason exists why packages of tobacco, and other mailable merchandise, sealed with internal revenue stamps, in compliance with the requirements of the Treasury Department, should not be regarded as fourth-class matter, though the same may not admit of examination without destroying the stamps. It would be an unfair discrimination to treat matter which the regulations of the internal revenue service require should be so put up as that the stamp of that service should be placed over the cover of the bag or box or other inclosure of such matter, and which is clearly mailable as fourth-class matter, as subject to a higher rate of postage than that accorded to the same kind of matter offered for mailing under ordinary circumstances. The Department regards the stamp placed over the cover or opening of such matter as evidence that no matter is contained therein which is subject to letter rates of postage. In admitting such packages, however, care must be taken not to accept liquids, explosives, or other articles prohib-

ited by section 222, P. L. & R. 1879, and also not to admit packages containing glass, powdered substances, or sharp-pointed instruments, except they conform to the first and second conditions of section 223, P. L. & R., as quoted in ruling 237.

237. Articles of the fourth class which, unless properly secured, would be unmailable as liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of any one engaged in the postal service, may be transmitted in the mails when they conform to the following conditions: 1st. They must be placed in a bag, box, or removable envelope made of paper, cloth, or parchment. 2d. Such bag, box, or envelope must again be placed in a box or tube made of metal or some hard wood, with sliding, clasp, or screw lid. 3d. In case of articles liable to break, the inside box, bag, or envelope must be surrounded by sawdust, cotton, or spongy substance. 4th. In case of sharp-pointed instruments, the points must be capped or encased, so that they may not by any means be liable to cut through their inclosure; and where they have blades, such blades must be bound with wire, so that they shall remain firmly attached to each other. 5th. The whole must be capable of easy inspection. Seeds or other articles not prohibited, which are liable, from their form or nature, to loss or damage, unless specially protected, may be put up in sealed envelopes, provided such envelopes are made of material sufficiently transparent to show the contents clearly, without opening.

VII. THIRD AND FOURTH CLASS MATTER.

238. When a package prepaid as for third or fourth class matter is deposited in a post office containing a letter inclosed therein, the postmaster should endeavor to find the sender, and advise such sender as to the penalty prescribed by section 233, P. L. & R. Failing to discover the sender, if the package has not one full letter rate (three cents) prepaid thereon, it should be held for postage; if it has one full rate prepaid it must be rated up at letter rates and forwarded to destination, where, if the party addressed should pay the additional postage and take it away from the post office, the transaction is ended, so far as the Post Office Department is concerned; but should the party addressed refuse to pay the charges and take it away, return it to the mailing office, when additional efforts should be made to find the sender and have the facts in the case made known to the United States district attorney for the judicial district in which the post office is located. See ruling 453.

239. Postmasters should inform themselves as to the nature of the contents of packages of matter prepaid as for third or fourth class matter, in order to rate them up if they contain matter subject to a higher rate of postage than has been prepaid thereon.

240. The intent of the law is that packages of third and fourth class matter should be so wrapped as to admit of their wrappers being removed, or the packages opened, so that postmasters may discover whether any letter or writing not permitted by law is inclosed therein. If such examination cannot be made the packages are subject to letter postage, notwithstanding the fact that they may be open at the ends. See ruling 9.

241. There is no difference between a regular rate and a "drop" rate on third and fourth class matter; therefore when parties desire to distribute third or fourth class matter throughout the boxes or from the general delivery of a post office, it must be prepaid by stamps affixed to each package to one address (or to one box or person) at the regular rates for such matter, the same as though it were to be sent in the mail. See rulings 458 and 459.

242. Third and fourth class matter must be fully prepaid at the office of mailing, or the same shall not be forwarded.

243. Should a package of third or fourth class matter weighing over the limit (four pounds) reach its destination, there is no objection to its delivery to the party named in the address, but such cases must be reported, with the name of the mailing office, to the Third Assistant Postmaster General. See ruling 249.

244. The limit of weight of packages of third and fourth class matter is four pounds — except in cases of single volumes of books weighing in excess thereof — see section 221, P. L. & R. ed. 1879. There is no provision as to the shape or size of packages except as stated in sections 1113, 1117, and 1118, P. L. & R., relative to matter to be sent to certain foreign countries.

VIII. ALL CLASSES.

245. When two or more kinds of mail-matter are inclosed in the same package, the higher rate must be charged on the entire package.

246. The mode of computing the rates upon inland first-class mail-matter (*i. e.* matter from one office within the United States or Territories to another) is as follows, to wit: Single rate if not exceeding half an ounce; double rate if exceeding half an ounce, but not exceeding an ounce; treble rate if exceeding an ounce, but not exceeding an ounce and a half; and so on, charging an additional rate for every additional half ounce or fraction of half an ounce.

247. The weight of any package to be sent in the mails can only be determined when complete for deposit in a post office, with postage stamps affixed. When placed on the scale an even beam at the half ounce for letters — one ounce for fourth class, and two ounces for third class matter — indicates that only one rate is due; but if any package bears down its end of the beam below an equilibrium, an additional rate should be charged.

248. The rate of postage on all classes of mail-matter is fixed by Congress, and the Postmaster General has no discretion in the premises.

249. The limit of weight for domestic mail-matter is as follows: First class, no limit. Second class, no limit. Third class, four pounds, except in the case of single volumes of books weighing in excess of that amount. Fourth class, four pounds. Documents published or circulated by order of Congress, and official matter emanating from any of the Executive Departments, or from the Smithsonian Institution, are not limited. For the limit of weight for foreign matter, see chapter on Foreign Mails in this Guide.

IX. FRANKED, FREE, AND OFFICIAL MATTER.

(a.) *Franked and Free Matter.*

250. The laws and regulations relative to free and franked matter are sections 245, 246, 247, 248, and 249, P. L. & R.

251. Private individuals cannot send any matter free in the mails, no matter to whom it may be addressed.

252. With the exception of the right of being originally sent free through the mails, and the privilege specified in section 248, P. L. & R., ruling 256, franked matter is on the same footing as all other mail-matter, and when promptly returned may be redirected and forwarded after having been once delivered.

253. A member elect of Congress, holding his certificate, is entitled to the franking privilege from the commencement of his term.

254. Senators and members of Congress are entitled to frank all public documents printed by order of Congress until the first Monday of December following the expiration of their respective terms of office. See, in this connection, sections 245-248, P. L. & R. ed. 1879.

255. The act of March 3, 1879 (section 245, P. L. & R. 1879), does not require the frank of a member of Congress to be written by himself. It may be written by any person duly authorized by a member.

256. A member of Congress may send a bulk package of franked packages to one address, and the party addressed may take the bulk packages out of the post office, put addresses on inside packages, and return them for delivery from said post office, or to be sent in the mails. A franked package may be forwarded the same as prepaid matter.

257. The franking privilege of a United States commissioner is limited to his correspondence with officers of the United States relative to business of the government of the United States. The commissioner may himself write or print the required frank and penalty clause on the envelopes used.

258. Postmasters are directed to pass free through the mails, Agricultural Reports emanating from the Department of Agriculture, packages of seeds transmitted by the Commissioner of Agriculture, and packages of seeds received for distribution from the Department of Agriculture, when such reports and packages of seeds are transmitted by the Commissioner of Agriculture, a member or delegate of Congress, or an ex-member, or ex-delegate of Congress, within nine months from the expiration of their terms as members and delegates, provided there is written or printed on such reports or packages of seeds the word "free," over the name of the Commissioner of Agriculture, written by himself, or over the name of a member or delegate of Congress, written by himself, or over the name of an ex-member of Congress or ex-delegate, written by himself, within nine months from the expiration of the term of such ex-member or ex-delegate.

259. A package of seeds in bulk, received from the Commissioner of Agriculture by a member of Congress or delegate or ex-member, may be readdressed for distribution and sent free until nine months after the expiration of their term of office.

260. The act of Congress, approved July 2, 1869, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," requires that "An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including state industrial and economical statistics as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior." In order to carry out this provision of the law, postmasters at any office, where such colleges have been established and are in operation, are directed to accept, from the officers thereof, the report contemplated by the statute, addressed to such other colleges and to the Secretary of the Interior, when presented for mailing, and to affix to each a penalty label, or official envelope of the post office bearing the appropriate address.

261. Section 16, act of March 3, 1879 (20 Stat. page 477) provides, "That the Superintendent, his chief clerk, supervisors, and enumerators are hereby authorized to transmit

through the post office any paper or document relating to the census, by writing thereon 'Official Business — Census,' and subscribing the same, with the addition to his name of his official title. But this privilege shall extend to nothing but documents and papers relating to the census, which shall pass free. And any superintendent, supervisor, enumerator, or chief clerk, who shall use or exercise this privilege for any purpose other than the legitimate discharge of the duties of his office, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit for each offense a sum of not exceeding one hundred dollars."

262. Section 1, act of April 20, 1880, is as follows: "That all mail-matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent, his chief clerk, supervisors, or enumerators, and indorsed 'Official Business, Department of the Interior, Census Office,' shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction." In view of the above, postmasters are now instructed to receive for free transportation any mail-matter — including specimens — not liable to injure the contents of the mail pouches, or person of any one handling the mails, and not exceeding four pounds in weight, addressed and indorsed as above stated. The limitation of four pounds applies to all official matter not of the first class, except in case of single books weighing in excess of that amount, and books and documents published or circulated by order of Congress, or official matter *emanating* from any of the Departments of the Government, or from the Smithsonian Institution.

263. Persons in official communication with the Superintendent of the Census, who is entitled to receive official matter free of postage, may take their communications to a postmaster and have him inclose them in a penalty envelope for transmission.

264. Postmasters having occasion to reply to letters and circulars of inquiry from the Superintendent of the Census, or from any of his subordinates acting under his direction, are entitled to inclose their replies in penalty envelopes, official stamped envelopes, or ordinary envelopes prepaid with official postage stamps.

265. Much annoyance is caused the Superintendent of the Census by postmasters insisting on the use of the "penalty envelope" for census matter, which they should not do, as stated in ruling 261. Relative to weight of packages *addressed to Superintendent of Census*, see ruling 262.

(b.) *Official Matter; Penalty Envelopes.*

266. All official matter to be sent in the mails must be inclosed in official "penalty envelopes," or have an official "penalty" label affixed thereto, or be prepaid by official or ordinary postage stamps, except as provided in sections 245-248, P. L. & R. ed. 1879, and matter emanating from the Superintendent of the Census, or addressed to him by his supervisors or enumerators. All other matter than as stated above must be prepaid with ordinary postage stamps, no matter to whom addressed.

267. The term "official matter" refers "to matter emanating from any Department of the Government authorized by law to use the penalty envelope."

268. The official postage stamps are purchased by other Departments of the Government from the Post Office Department with money appropriated by Congress for that

purpose, and are issued to officers of the Government for use in paying registry fees and postage on official communications.

269. Penalty envelopes prepared by the Executive Departments may be sent out by the heads of such Departments to their officials whom they may desire to use them, and who have no allowance made them for the payment of postage, and when so sent out such officials may use them on official business without charge for postage.

270. The penalty envelopes can be issued only to persons connected with the Executive Departments issuing them.

271. When matter is sent out by any of the Executive Departments or their subordinates, inclosed in penalty envelopes, there is no necessity for the addition of the certificate to packages containing no written matter.

272. In regard to supplying penalty envelopes to the officials of the postal service, the rule adopted in the Department is to furnish such envelopes to each office over which it exercises control, and to which it sends official communications, and through which it reaches the public officially. Such offices are regarded by this Department as "its subordinate offices." The Post Office Department will not question the action of the other Executive Departments in supplying penalty envelopes to their officials.

273. Postmasters will receive and forward, free of postage, all matter received by them from any officer of the United States, directed to any other officer or to any of the Executive Departments, provided the envelopes of such mail-matter have written, printed, or stamped thereon, the appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse.

274. The 29th section of the act of March 3, 1879 (Postal Laws and Regulations, section 251), extending to all officers of the United States Government the provisions of the sections numbered 249 and 250, Postal Laws and Regulations, for the transmission of official mail-matter, requires all officers, who are not departmental in their character, to use envelopes which bear the appropriate indorsements, containing the name of the office from which the same are transmitted, with a statement of the penalty for their misuse; and the use of the envelopes must be absolutely restricted to official mail-matter transmitted between officers of the United States or between any such officer and either of the Executive Departments or officers of the Government. The signature of the officer and his official title is not a compliance with the law; the name of the office from which they are transmitted must also be given on the envelope.

275. Any senator or member of Congress desiring to have a communication sent from this Department to a constituent, which communication if sent directly from the Department would be properly inclosed in the penalty envelope, may be furnished with such communication inclosed in a properly addressed unsealed penalty envelope, to the end that the same may be forwarded by such member to the party addressed, with such indorsement on said communication as in the opinion of such member may relate to the subject-matter of said communication.

276. Official communications may be sent by officers of the Government under cover of the penalty envelope to private individuals; but such envelopes cannot be inclosed for the purpose of eliciting a reply.

277. Any person who may be required by the copyright law to deposit a copy of any publication with a postmaster to be sent to the Librarian of Congress, is entitled to have

such publication covered by a penalty envelope, and forwarded without charge for postage.

278. Mail-matter inclosed in penalty envelopes, and therefore entitled to pass free of postage in domestic mails, when sent to, or received from, ports of foreign countries, between which and the United States there have been no postal treaties or conventions, in mails conveyed by vessels employed by this government, is exempt from domestic postage charges, and should pass free of postage to addressees.

279. Official penalty envelopes may be used by postmasters for transmission of all communications upon official business; *but they must never be used for private correspondence.*

280. Postmasters must use penalty envelopes for their communications on official business, or prepay the same with official postage stamps.

281. Postmasters have no authority to use plain envelopes and write the penalty clause thereon. They must order a supply of penalty envelopes from the Third Assistant Postmaster General in ample time to prevent being out of them.

282. Postmasters are expected to extend to all persons the courtesy of a respectful reply to inquiries upon postal business, for which they may use penalty envelopes; but they must not use such envelopes to cover their private or personal correspondence.

283. Postmasters must not use penalty envelopes for forwarding letters unless there is no room on the envelopes to write the corrected addresses or a number are to be forwarded at once, *in which case the official envelope inclosing the letters forwarded must be addressed to the postmaster and not to the person entitled to the letter.*

284. The addition of postage stamps to a penalty envelope presumptively destroys its character as an official envelope, and arriving at destination insufficiently prepaid it must be rated up the same as any other matter of its class.

285. Penalty envelopes can legally only be in the possession of a person entitled to use them in the transmission of official matter, and the use of an ordinary postage stamp upon such envelope is evidence that the person sending the letter knew that it was upon private business, and prepaid postage accordingly. In the case of letters officially addressed to an officer of the Government by persons not legally entitled to the use of the penalty envelope, the presumption would be that the letters are upon official business unless they are marked "personal" or "unofficial." The postage due upon all such letters insufficiently prepaid, and even on letters marked "personal," upon the statement of the officer that the letters are really upon official business, may be paid in official postage stamps.

286. If a postmaster *positively knows* that a person depositing a package inclosed in a penalty envelope has not been properly furnished with it (see rulings 269 and 287), he should hold the package for postage and advise the Department issuing the envelope of the facts in the case.

287. Postmasters have no right to stop census matter or any mail-matter in an official penalty envelope or prepaid by official stamps, upon the *mere suspicion* that the official stamp, penalty envelope, or census indorsement is being used to cover private matter. All such matter should be promptly forwarded to destination and delivered.

288. Contractors for carrying the United States mail have no right to send any matter free in the mail, notwithstanding the fact that such matter may be addressed to a government official, and relate to the matter of their business with the Government.

289. Deputy collectors of internal revenue have no authority to furnish "penalty envelopes" to tax-payers for the purpose of enabling them to send their reports, etc., to the said deputy free of postage.

290. Matter inclosed in penalty envelopes may be forwarded indefinitely.

291. Official matter is to be pouched with letter mail. See ruling 362.

X. PERMISSIBLE ADDITIONS TO OTHER THAN FIRST-CLASS MATTER.

(See sections 231 and 233, P. L. & R.)

(a.) To Second-Class Matter.

292. Marking paragraphs with pen or pencil in second-class matter will subject the same to third-class rates. Publishers, however, who print a paragraph in their publications to the following effect: "Subscribers whose papers reach them with this paragraph marked will understand that their subscription expires with this (or another) number," may mark such paragraph under section 231, P. L. & R., but no other marks can be made except as provided in sections 205 and 231, without subjecting the packages to third-class rates.

293. Relative to permissible additions to second-class matter, see exceptions 3 and 4, ruling 1.

294. Publishers have the right to inclose in their publications bills and receipts for subscription thereto without additional charge for postage; but when they send such bills and receipts separately by mail, they must be prepaid at regular rates of postage.

295. Publishers who desire to send bills, receipts, and orders for subscription inclosed in their publications should examine sections 233 and 234, P. L. & R., and be careful in printing on such orders only what is therein permitted.

296. "Bills, receipts, and orders," as referred to in exception 3, ruling 1, refer solely to bills, receipts, and orders for subscription for the publication of the second class of mail-matter in which they are inclosed.

297. An advertisement of a periodical inserted therein, containing an order for subscription and a request to "tear out, fill up, and forward with the money for the subscription," subjects the publication to third-class postage.

298. Bills and receipts for *advertising* should *not* be inclosed in second-class matter. Postmasters at offices of delivery finding such bills inclosed in newspapers entitled otherwise to be sent at pound rates, should rate the packages as follows: If the bill or receipt be entirely in print, double third-class rates. If entirely in writing or partly written and partly printed, double first-class rates.

299. Publishers of matter admitted to the mails as second-class may print upon the side of a postal card intended for communications, bills, receipts, and orders for subscription to their publication or publications, as provided in section 233, P. L. & R., ed. of 1879, and may also print the address of such publisher upon the address side of the card and inclose the same in their second-class matter.

300. The Department cannot permit envelopes with the printed address of the publisher and containing bills, receipts, and orders for subscription, to be inclosed in second-class matter, and sent through the mails at the pound rate. The reasons that justify the Department in allowing postal cards to be used for this purpose, do not author-

ize the inclosure of any matter distinct from the paper upon which the bill, receipt, or order is printed.

301. A printed card inclosed in second-class matter would subject all packages containing them to third-class rates.

302. Old manuscript must not be used as wrappers for second-class matter. A publisher renders himself liable to a penalty for so using manuscript.

303. There is no regulation prohibiting the use of old newspapers as wrappers on second-class matter.

304. Second-class matter should have nothing whatever printed or written on the wrapper except as explained in sections 205, 231, and 465, P. L. & R., and ruling 308.

305. Relative to printing the words "sample copy" on publications of the second class, see ruling 159.

306. The law does not permit the terms of subscription to be printed upon the wrapper of second-class matter.

307. The authority to print on wrappers of second-class mail-matter the "name and address of the publisher or sender of the same," is not held as permitting the publisher to print the name of one publisher or sender on a portion of one issue, and another name of publisher or sender on another portion of same issue. If this is done it excludes such publication from the pound rates.

308. In addition to the name and address of the person to whom matter of the second class shall be sent, and index figures of subscription book, the printed title of publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end, publishers may also print upon the wrapper of such matter a request that if the same be not called for in a limited time it may be delivered to any one of a class of persons named. This ruling is believed to be in aid of the purpose contemplated by the statute permitting the sending of sample copies to secure subscribers, and is also a matter of convenience to postmasters.

309. Instructions to postmasters to notify a publisher of non-delivery, and amount of postage needed for its return to him, may be printed upon the wrapper of second-class matter.

(b.) *To Third-Class Matter.*

310. Relative to what may be written on third-class matter, see exceptions 2, 5, and 6, ruling 1.

311. When printed blanks or blanks which have been produced by any of the processes mentioned in ruling 516 are filled out in writing otherwise than as provided in exceptions 2, 5, and 6 of ruling 1, they are first-class matter; that such matter may be left unsealed will make no difference in the rate of postage as above stated.

312. A circular may have an address, date, and name of sender written therein. Any other writing except the mere correction of a typographical error, subjects circulars to letter postage.

313. The date permitted to be written in a circular is the date of the mailing and not the date upon which something is acknowledged in the circular to have been received. In other words, the date cannot be used to communicate a fact in addition to the date of mailing without subjecting the matter to letter postage. The same rule applies as to the name of the sender when written to acknowledge the receipt of money at the end of a printed receipt. In such a case the signature subjects the matter to letter postage.

314. A printed circular of inquiry with the name of the person about whom inquiry is made, inserted by an addressing machine, is subject to letter rates.

315. The law authorizing the "correction of typographical errors" in circulars sent as third-class matter, does not contemplate the correction or changing of figures in price-lists; such changes would subject the circulars to letter postage.

316. A number used on a printed assessment card in place of an address, is not held as subjecting the same to any higher rate of postage than for third-class matter.

317. "Prospectus books" with writing therein are first-class matter. See ruling 220.

(c.) To Fourth-Class Matter.

318. Relative to what may be written on fourth-class matter, see exception 7, ruling 1.

319. The long established rule of the Department, that matter of a lower grade may be inclosed in that of a higher, authorizes printed matter to be inclosed with merchandise, and that to make a distinction between printed matter inclosed with merchandise and printing upon a tag, attached to a sample, or upon the sample itself, where the latter consists of paper, is not within the reasonable intendment of the law. It is, therefore, decided that upon all papers sent as merchandise there may be printed any matter not having the character of an actual or personal correspondence, and that with such merchandise, and merchandise of other material, there may be inclosed such printed matter, or the same may be attached to such matter. The merchant may also write upon the "package" "his own name and address preceded by the word 'from,' and there may also be written or printed the number and name of the articles inclosed; and the sender thereof may write or print upon or attach to any such articles, by tag or label, a mark, number, name, or letter, for purposes of identification." (See section 231, P. L. & R.) It will be observed that what may be written upon the tag is simply "a mark, number, name, or letter," not to tell the width or price, but to identify the article. But should there be two numbers or two letters, or a number and a letter, or a name and a number or letter, it would not be entitled to pass as fourth-class matter. In other words, the conjunction "or" as employed in the statute restricts that which may be written to one thing, be it mark, number, name, or letter. All former rulings in conflict herewith are evoked.

320. Matter produced by the hand-stamp, the type-writer, or the copy-press, is *prima facie* within the intent of section 219, Postal Laws and Regulations, 1879, providing that reproductions upon paper having the character of an "actual personal correspondence" shall not be included in the term "printed matter." It is reasonable to assume, when the matter is produced by one not engaged in the business of printing, and but one copy can be produced by the process adopted, that the matter is intended for use only between two persons upon subjects personal to themselves. This presumption may be removed by an examination of the subject-matter produced by the process adopted. The presumption against the matter produced by the hand-stamp is less violent than against matter produced by the other methods, because the reproduction is much more readily accomplished and without any resetting of the type, and its use in general business transactions covering interests common to many persons is recognized. No rule of absolute universal application can be stated, with regard to the matter thus produced, but the following suggestion is made: When the hand-stamp is used upon the matter inclosed, or upon a

tag or circular accompanying the matter, and it refers to the matter itself, — its price, width, weight, or quality, — it will usually appear that the reproduction by the hand-stamp may properly be classed as printed matter, the reference to the thing inclosed generally excluding the idea of personality. But when the reproduction refers to something not accompanying it, and furnishes information regarding the same, it will probably consist of matter personal to the party using or receiving it. Thus, the use of a hand-stamp upon merchandise consisting of paper or upon tags attached to other merchandise, will be held to relate to the article itself and be intended that all into whose hands the merchandise may come shall receive the information conveyed, and such information will therefore constitute printed matter. On the other hand, where the thing to which the reproduction relates is not inclosed, but information is given in regard to it, as when the maker or indorser of a note is advised, by the holder, of the date when the note falls due, by stamping the date on the printed notice, the matter will be held personal. These illustrations are given as tests, by which cases of like character, but differing in detail, may be determined.

(d.) To Third and Fourth Class Matter.

321. Under section 231, P. L. & R., and ruling 1, the words "please forward," "please send out," or "please post this up," and other similar expressions, written upon a package of third or fourth class matter, will subject the same to letter postage.

322. The words "to be called for," as referred to in section 345, P. L. & R. 1879, or the word "personal," written on the wrapper of third or fourth class matter, should be treated as part of the address and do not subject the matter to letter postage.

323. The repetition of an address upon an unsealed envelope, containing third or fourth class matter, inclosed in another unsealed envelope, does not subject the package to letter postage.

XI. STAMPS; THEIR SALE AND CANCELLATION.

324. It is the duty of postmasters to keep a supply of postage stamps and stamped envelopes on hand sufficient to meet the demands of their patrons, and to sell them to any person applying for them, without making inquiry as to how they are to be disposed of.

325. A postmaster is required to confine his sales of stamps to his own office delivery. Of course, an exceptional demand by one not residing within the delivery, and not prompted by the postmaster, should be filled, if the application is made in good faith. Any irregular methods to effect sale of stamps by postmasters will be regarded as cause for removal.

326. The act of June 17, 1878 (section 118, P. L. & R.), forbids postmasters to use postage stamps in the payment of debts, or in the purchase of merchandise or other salable articles. When postmasters desire to remit by mail fractional parts of a dollar, they must use coin or purchase a money-order. They may only purchase from themselves stamps to use for payment of postage on their private correspondence.

327. It is a postmaster's duty to sell stamps to any one applying for them without question as to what they are wanted for, and a postmaster cannot refuse to mail a sealed letter on the ground that he knows it to contain postage stamps. The prohibition of the use of stamps in place of money only applies to postmasters.

328. Cut or otherwise defaced stamped envelopes cannot be accepted in payment of postage.

329. The postage stamps upon all matter deposited in a post office should be immediately and effectually canceled, as stated in sections 375 and 377, P. L. & R. The cancellation or defacing required by section 375, P. L. & R., must be effected by the use of black printing ink whenever that material can be obtained. The Postmaster General insists that this rule must be strictly complied with, and also that black ink be used for postmarking.

330. It having been ascertained that there is great neglect among postmasters to effectually cancel the postage stamps upon matter deposited in their offices for transmission through the mails, and that there is a general failure by delivering postmasters to report such delinquencies to the Department, notice is hereby given that, from this time forward, in these important matters the requirements of the law — to be found in section 375 of the Postal Regulations — must be faithfully obeyed. Every postmaster throughout the country will be expected to see that the postage stamps on matter mailed at his office are thoroughly canceled; and in every instance where this is not done, the postmaster at the office of delivery must carefully cancel the stamp with the *postmark* of his office, and, if practicable, obtain the envelope and wrapper from the party to whom the matter is addressed, and forward it, with the name of the office at which the matter was mailed, to the Third Assistant Postmaster General. The direction to cancel the postage stamps in these cases with the postmark of the delivering office, instead of with the usual canceling mark, is intended to fix beyond question, upon the mailing postmaster, his failure to cancel. It must not, therefore, be construed as an interference with sections 377 and 722 of the existing Postal Regulations, which prohibits the use of the postmarking stamp as a means of cancellation on matter deposited for *mailing*. Postmasters must not, however, include such stamps in their "account of stamps canceled," on which their salaries are based, said salary being based on commissions on stamps canceled on "matter actually mailed" at a post office.

331. Postmasters should not cancel stamps in transit when the mailing postmaster fails to properly cancel stamps, it must be left to delivering postmaster.

XII. RECEIPT, DISTRIBUTION, AND DISPATCH OF MAIL-MATTER.

332. Matter to be sent in the mails at less than letter rates of postage, must be so wrapped that it can be readily examined at the office of delivery, as well as at the mailing office, without destroying the wrapper.

333. A postmaster cannot bring or cause to be brought to his office for mailing, matter which would in the natural course of business be mailed at another post office, within the delivery of which the person sending the matter resides.

334. The public have the right to select the post office at which to mail their first-class matter. Any one can send a letter to be mailed at a post office not the nearest to his own residence, but such letter cannot be sent by a mail carrier; a mail carrier must deposit all mail-matter handed to him on his route in the first post office at which he arrives. Second-class matter must be mailed at the office nearest its claimed office of publication. Third and fourth class matter should be mailed only at post offices, as postal clerks and mail carriers have no means of determining whether it be fully prepaid as required by law.

335. Any person has the right to carry his own letters and mail them where he chooses,

or without compensation can carry letters for another post office and mail them at another.

336. No one can carry letters outside of the mail for pay, but letters may be sent by a private messenger without pay to any post office for mailing.

337. A letter having one full rate (three cents) prepaid thereon is entitled to be forwarded in the mails, no matter how much it may weigh. The mailing postmaster should rate up any over-weight on any letters having one full rate prepaid at the rate of three cents for each half ounce or fraction thereof and forward them in the mail (section 270, P. L. & R.), but postage-due stamps must not be affixed at the mailing office. A letter not having one full rate prepaid thereon should not be forwarded in the mails; but should such letter reach the office of destination, it is the duty of the delivering postmaster to collect the amount unpaid.

338. A letter deposited in a post office to be sent in the mail to another post office, the same being prepaid with one full letter rate of postage, and in the absence of any positive knowledge that its contents are unmailable, must be forwarded in the mail. The fact that such letter may be addressed to "initials" is no exception to this rule. When not addressed to a box number, designated place of delivery, or in care of some person addressed in full, they are undeliverable; but the question of their delivery is for the attention of the delivering postmaster solely. See ruling 446.

339. An unsealed package containing matter in writing, or any other first-class matter, the same having only a one-cent stamp affixed, should be held for postage. If, however, such a package should reach the office of destination, it should be rated up at letter rates, to be collected on delivery, giving credit for stamp affixed.

340. Postmasters should not forward wholly or partly written matter, even if the envelope is unsealed, when the same is not prepaid at one full letter rate, — except as permitted by ruling 1.

341. It is the duty of a postmaster to examine postal cards and to see that they contain no improper matters, but they must not disclose the contents. It is also the duty of a postmaster to examine all matter other than such as may be sealed against inspection, to see that it contains no improper matter, or such as may be subject to a higher rate of postage, but they should under no circumstances break the seal of a package in order to examine it.

342. Cut or mutilated postage-stamps, stamps cut from stamped envelopes, cut, or otherwise defaced stamped envelopes and internal revenue stamps, cannot be accepted in payment of postage. Letters deposited in a post office, having such matter affixed, must be "held for postage."

343. The weight of any package to be sent in the mails can only be determined when complete for deposit in a post office, with postage stamps affixed. When placed on the scale an even beam at the half ounce for letters — one ounce for fourth-class, and two ounces for third-class matter — indicates that only one rate is due; but if any package bear down its end of the beam below an equilibrium, an additional rate should be charged.

344. Section 266, P. L. & R. ed. 1879, is not intended to relieve mailing postmasters from the duty of inspecting matter sent at less than letter rates of postage.

345. It is no part of the duty of a postmaster to put up any packages to be sent in the mail; but when practicable he should advise persons sending third and fourth class matter to put the same up so that the contents of the packages may be discovered without destroying the wrapper.

346. Postmasters should inform themselves as to the nature of the contents of packages of matter prepaid as for third or fourth class matter, in order to exclude them from the mail, if they contain any unmailable matter, or to rate them up, if they contain matter subject to a higher rate of postage than has been prepaid thereon.

347. It is the duty of postmasters to examine all unsealed packages, notwithstanding the fact that they may be prepaid at letter rates; but under no circumstances can they break the seal of any package not addressed to themselves.

348. It is the duty of a postmaster to examine all unsealed matter deposited in his office, and rate up postage due, and not to forward first-class matter unless one full rate is prepaid, nor to forward third and fourth class matter unless fully prepaid.

349. Where third or fourth class matter is deposited in a post office not fully prepaid or first-class matter without one full rate, the postmaster should not forward it, but if by his inadvertence it is forwarded, the postmaster at the office of delivery should only collect the postage remaining unpaid. If first, third, or fourth class matter be deposited in a post office without any prepayment, it should be held, but if forwarded by mistake, the post office of delivery should collect double the postage which should have been prepaid. See ruling 485.

350. A package closed against inspection, with only one cent in postage stamps affixed, should not be forwarded in the mails. There is no penalty attached to the act of depositing such a package in the mails; but if the senders of any packages of third or fourth class of mail-matter should conceal a letter therein, such persons would render themselves liable to a penalty of ten dollars. See ruling 238.

351. A sealed package deposited in any post office, having only a one-cent or two-cent postage stamp affixed, should be held for postage, and unless the postmaster may be able to communicate with the sender so that he may be advised to affix additional postage to make the prepayment equal to one full rate, — three cents, — such package must be sent to the Dead Letter Office; but should any sealed package, or unsealed package, containing matter wholly in writing, prepaid as aforesaid, reach the post office of destination, it is the duty of the delivering postmaster to collect letter rates, giving credit for any amount which may have been prepaid thereon. In case there be no stamps affixed, then double letter rates must be charged.

352. Relative to the treatment of a package prepaid as for third or fourth class matter, deposited in a post office containing a letter inclosed therein, see ruling 238.

353. Relative to the receipt and dispatch of return-request matter of the third and fourth class, see ruling 537.

354. Relative to the remailing of a letter which has been returned to writer, see ruling 532.

355. Second, third, and fourth class matter may be carried outside of the mails, *i. e.*, by private expresses; but if the same shall subsequently be placed in a post office for delivery, postage at regular rates must be charged and collected thereon.

356. A postmaster should not receive and transmit any matter in the mails which may have been postmarked, and the stamps thereon canceled, at another post office, except as directed in section 372, P. L. & R., relative to erroneously delivered redirected matter.

357. Postmasters are required to comply with all instructions in regard to the distribution and dispatch of mails from the General Superintendent of Railway Mail Service, or from division superintendents acting under his orders, as implicitly as though emanating

directly from the Department. They should therefore read with great care the General Orders of the General Superintendent of the Railway Mail Service published in chapter on the Railway Mail Service in this Guide and the subsequent numbers of the Guide.

358. All letters deposited in a post office must be forwarded in the first mail going in the direction indicated in the address, unless their withdrawal should be applied for, under sections 291, 292, and 293, P. L. & R.

359. When a postmaster receives matter too late to be put in the locked pouch, he must hold it over until the next mail; canceling stamps thereon and sending it outside of the pouch is prohibited.

360. Postmasters are prohibited from postmarking and canceling stamps on matter and sending it outside of the regularly locked mail pouch to another post office, either by a sworn or unsworn carrier.

361. Postmasters can only forward mail-matter in pouches, by the regular mail routes.

362. All official matter emanating from any of the Departments of the Government must hereafter be treated in every respect as first-class matter, unless the wrapper or envelope distinctly states that the packages inclosed are printed matter. In addition to complying with section 379, Postal Laws and Regulations, in regard to postmarking such matter, postmasters will hereafter pouch it with the letter mail.

363. Hereafter all Signal Service weather reports, whether inclosed in penalty envelopes or prepaid by ordinary stamps, must be treated in all respects like letter mail. Division superintendents will instruct postmasters and employees to use the utmost care in forwarding this matter, as the utility of these reports depends entirely upon their prompt delivery.

364. Postal cards must not be carried outside of the mail. See ruling 66.

XIII. UNMAILABLE MATTER.

365. Liquids, poisons, explosive and inflammable articles, fatty substances easily liquefiable, live or dead animals (not stuffed), insects (except queen bees when safely secured), and reptiles, fruits or vegetable matter, confectionery, pastes or confections, and substances exhaling a bad odor; and every letter upon the envelope of which, or postal card upon which, indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language may be written or printed, and all matter concerning lotteries, so-called gift concerts, or other similar enterprises offering prizes, or concerning schemes devised and intended to defraud the public, or for the purpose of obtaining money under false pretenses.

(a.) *Lottery Matter.*

366. Section 226, P. L. & R., ed. of 1879, should read as follows: "No letter or circular concerning lotteries, so-called gift concerts, or other similar enterprises, offering prizes, or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretenses, shall be carried in the mail. Any person who shall knowingly deposit or send anything to be conveyed by mail in violation of this section shall be punishable by a fine of not more than five hundred dollars nor less than one hundred dollars, with costs of prosecution."

367. Mail-matter of the first and third class addressed to lottery companies or agents of the same having been declared by the Postmaster General as unmailable, all postmas-

ters and employees of the railway mail service are instructed to withdraw from the mail any such mail-matter, whether at the office of origin or in transit, and if the same, through inadvertence, shall reach an office of delivery, it shall be the duty of the postmaster at such office to withhold the same from delivery. All matter thus withdrawn or withheld shall be treated in the manner provided for the transmission of unmailable matter to the Dead Letter Office, except that withdrawn by employees of the railway mail service, which must be disposed of under the provisions of section 740, P. L. & R.

368. Postmasters must refuse to issue money-orders to be sent to lottery companies, or to individuals or firms as agents for lottery companies, and also refuse to register letters addressed to them.

369. Registered letters must be withheld from delivery and money-orders refused to be paid, when addressed to lottery companies, or to individuals or firms as agents for lottery companies, whether such companies may be chartered by law or not. Section 226, P. L. & R.

370. Postmasters are instructed to refuse to rent boxes or drawers in their offices to any lottery company, or agent of a lottery company. Should any such company or agent be in possession at this time of a box or drawer in any post office, the postmaster should withhold further use thereof, returning at the same time the rent for the unexpired portion of the time paid for.

371. A sealed letter cannot be denied transmission in the mail, nor its delivery to the addressee refused on the ground that it concerns a lottery, as indicated by its address, unless such address be to a lottery company, or to a person described thereon as an officer or an agent of a lottery company. This ruling does not authorize the delivery of a registered letter, or the payment of a money-order to a person or company against whom a special order has been issued and is unrevoked.

372. The Post Office Department cannot stop lottery matter sent from Canada in sealed envelopes.

373. Registration can only be refused upon matter addressed to a lottery company, or to a person described in the address as agent of a lottery company, or to persons whose names appear in the List of Frauds published in the Guide.

(b.) Fraudulent Matter.

374. All persons whose names do not appear in the List of Frauds in this issue of the Guide are entitled to receive money-orders and registered letters.

375. A list of "Frauds," such as are known to the Post Office Department, after investigation, is published monthly in the United States Official Postal Guide. The Guide is distributed gratuitously to postmasters and certain other government officials, but private individuals can obtain copies only by purchase. See the publishers' advertisement in this number.

376. Postmasters at any office at which money-orders or registered letters arrive addressed to any person or company against whom orders have been issued by the Postmaster General under the provisions of sections 875 and 1043, Postal Laws and Regulations, the list of whom is published in the Guide from month to month, should refuse payment and delivery of the same, and treat them as provided in the section referred to; and postmasters are hereby forbidden to pay money-orders or deliver registered letters addressed to any person whom they are satisfied is acting for any of the persons or com-

panies named in the List of Frauds published in this and subsequent numbers of the Guide, until they have communicated the facts to, and received the instructions of, the Postmaster General.

377. The stamp "Fraudulent" is only to be used on registered letters, the delivery of which is forbidden by order of the Postmaster General. (See List of Frauds.) Postmasters should not use the stamp on any ordinary letters, or any registered letters addressed to any person whose name is not in the list, unless they have a special order to do so.

(c.) *Obscene Matter.*

378. Obscene matter should be withdrawn from the mails wherever and whenever it may be found. See ruling 405.

379. It is in violation of section 225, P. L. & R. 1879, to inclose obscene matter in a sealed envelope and deposit the same in the mail.

380. Section 228, P. L. & R., is held as applying only to sealed letters "on the envelopes of which," etc. (see section 225), and unsealed matter which postmasters are expected to examine and exclude from the mails when obnoxious to said law. When a sealed letter has passed in the mails and been delivered to the party named in the address, if such party feels aggrieved by its contents, he or she should consult the United States district attorney for the district in which they reside.

381. Relative to treatment of "Police Gazettes" addressed to Canada, see ruling 748.

(d.) *Matter Unmailable for Other Reasons.*

382. Postmasters should inform themselves as to the nature of the contents of packages of matter prepaid as for third or fourth class matter, in order to exclude them from the mails if they contain any unmailable matter.

383. The following precautions must hereafter be observed in sending samples of flour or other powdered substances by mail, in addition to those required by section 223, Postal Laws and Regulations, 1879, quoted in ruling 237, namely: 1. The flour, or other powder, must be inclosed in a transparent bag, or envelope, made of parchment, parchment paper, tracing cloth, or similar material, and so sealed up that it will be impossible for any particles to sift through. 2. The bag, or envelope, containing the flour, or other powder, must be inclosed in a box or tube made of hard wood or metal, with sliding clasp, or screw lid (not a lid fastened on by screws inserted on the outside). If the box be made of metal, no sharp edges or corners must be exposed, but the edges and corners must either be rounded off or protected by wooden or strong pasteboard shields. 3. Samples of flour, or other powdered substances, not put up in accordance with the provisions of this order, are declared unmailable. All metal boxes designed for use, under section 223, P. L. & R., not having the sharp edges and corners protected as above directed in division 2 of this ruling, must hereafter be excluded from the mails, as liable to destroy or damage other articles therein.

384. The Post Office Department has ceased the practice of approving packages intended for the carriage of "flour," "sugar," "sharp-pointed instruments," etc., in the mails, having condensed its views into the shape of a regulation (ruling 237) under which postmasters should act when packages of such matter are offered for mailing. Parties having their packages refused, have then the right to appeal to the Post Office Department.

385. The Post Office Department does not make any special indorsement of any patented box, package, or envelope for use in the mail. Ruling 383 will be strictly enforced.

386. Samples of "flour" put into a bag or envelope without a wood or metal covering are unmailable. See ruling 383.

387. Samples of sugar are mailable when put up in the manner prescribed by ruling 383.

388. Powdered substances which are not unmailable on account of being of a poisonous or explosive nature, can only be admitted to the mails when put up in the manner prescribed by the first and second conditions of section 223, P. L. & R. 1879. Under no circumstances will any exceptions to this rule be made.

389. The Department has decided that "dried fruit," if put up in accordance with the requirements of section 223, P. L. & R., first and second conditions, may be sent in the mails, but not otherwise.

390. Candy, or confectionery, may now be sent in the mails when put up in accordance with the requirements of the first and second conditions of section 223, P. L. & R. When not so put up postmasters must refuse to receive packages containing such matter.

391. "Ointments" are unmailable, and packages known to contain such matter should not be received into the mails.

392. Soap is unmailable unless put up in accordance with the first and second requirements of section 223, P. L. & R.

393. Sharp-pointed instruments must not be received into the mails, except they are put up as required by the first and second conditions of section 223, P. L. & R. ed. 1879. All employees finding such matter in transit, not put up in accordance with the regulation quoted, must withdraw the packages from the mails and treat them as required for unmailable matter.

394. Under no circumstances will the Department permit articles of which glass forms a part to be transmitted in the mails except it is put up in accordance with the first and second requirements of section 223, P. L. & R.

395. The ruling prohibiting the mailing of "fire-arms" has been modified so as to admit them when in detached parts.

396. Ink is unmailable. Packages known to contain ink should not be received into a post office to be sent in the mails.

397. Under no circumstances will the Postmaster General permit the carriage of liquid or fluid matter in the mails. Postmasters should not receive into the mails packages known to contain such matter, though they may apparently be securely put up.

398. The Postmaster General has consented to a temporary suspension of the ruling excluding "queen bees" from being sent in the mails; but when offered for mailing they must be put up in accordance with section 223, P. L. & R., and so soon as they are found to injure the person of any one handling the mails, or soil the contents of the mail pouches, this order will be rescinded.

399. Section 432, P. L. & R. 1879, has been amended so as to add to the list of "unmailable matter" any publication which violates any copyright granted by the United States.

400. "Nixes" are unmailable. See ruling 409.

401. The Post Office Department has not issued any order declaring matter unmailable

because of the omission of the county in the address; but it is desired that the county should be included, except in the case of well-known cities.

402. When mail matter is addressed to a post office and state it should not be treated as unmailable because it bears also the name of a county different from that in which the post office is situated; it should be assumed that it is intended to go to the post office whose name it bears.

403. Unmailable postal cards should now be treated as required by sections 478 and 481, P. L. & R. ed. 1879.

404. Unmailable postal cards containing communications wholly in writing should be sent to the Dead Letter Office, but in separate returns as required by sections 442 and 474, P. L. & R.

405. Postmasters have no right to detain any matter in transit, the mailing of which is not prohibited by law. Unmailable matter of classes *b*, *d*, and *f*, section 432, should be withdrawn from the mails wherever and whenever it may be found.

XIV. MISSENT, NIXES, AND MISDIRECTED MATTER.

(a.) *Missent Matter.*

406. Missent matter, that is, plainly directed matter sent in the wrong direction by the act of postal officials, should, as soon as discovered, be placed in the first mail going in the proper direction.

407. Missent matter of any class, received at any post office, must be stamped "Missent," and postmarked with the date of receipt before the same is forwarded to its proper destination. See ruling 640.

(b.) *Nixes.*

408. "Nixes" is a term used in the railway mail service to denote matter of domestic origin, chiefly of the first and second class, which is unmailable because addressed to places which are not post offices, or to states, etc., in which there is no such post office as that indicated in the address. Matter of foreign origin is not to be stopped in transit because of such imperfection in its address.

409. Matter addressed to places which are not post offices, or to a state in which there is no such post office as that named in the address, is unmailable (class *b*, section 432), and should be treated as prescribed in sections 437 and 441, P. L. & R. If the matter is returned to sender under the provisions of section 437, he should be informed of the proper post office address to be given to the matter, if the post office is known to the postmaster at the mailing office. If not, the sender should be advised to write to the nearest division superintendent of railway mail service for the necessary information. If a letter is returned to the sender for better direction after the stamps thereon have been canceled, it should be forwarded, when redirected, without additional charge for postage. Letters, etc., returned in accordance with section 438, P. L. & R., may be inclosed in penalty envelopes addressed to sender.

410. The Superintendent of the Railway Mail Service has been instructed to procure the information necessary to enable him to inform publishers of newspapers and others of the proper post office to which matter addressed to places that are not post offices should be directed.

411. "Nixes" cannot be registered. See chapter on the Registry System, paragraph 3.

412. When a publisher places matter in the mail, addressed to a place which is not a post office (*i. e.* nixes), it is a postmaster's duty to return it for better direction. If such matter by inadvertence leaves the mailing office, it should be stopped in transit wherever found, and returned to the publisher for better direction, and when remailed it is not subject to additional postage. When the error is in addressing the person at a wrong office, or the address of the person is insufficient, the matter can only be readdressed and forwarded or returned upon payment of postage at third-class rates.

(c.) *Misdirected Matter.*

413. When a mistake is made in the name of the post office in the address of a letter it may be returned for correction and remailed without a new payment of postage. If the address of the person is insufficient, and the letter after being carried to the place designated is returned to writer as uncalled for, it cannot be remailed without a new payment of postage.

414. Misdirected matter of the first class arriving by mail at a post office should never be returned to the mailing post office for better direction unless it bears the card or request of the sender. In that case it should be returned to the mailing office at once, notwithstanding the request may indicate a longer period of time. Misdirected matter arriving at a post office, without the address of the sender upon it, should be sent at once to the Dead Letter Office, as prescribed in section 467, P. L. & R. 1879.

415. When the postmasters and employees of the railway mail service know that matter deposited in their offices for mailing, addressed to a city without the name of the state being given, is intended for the principal city of that name, being, for instance, addressed to a well-known citizen, firm, newspaper, or institution of such principal city, or to a street and number which could only be found therein, it should be forwarded as directed in section 467, P. L. & R. Otherwise the provisions of sections 437, 438, and 740, P. L. & R. 1879, are to be observed.

416. Relative to the omission of the county from the address or the writing of the wrong county, see rulings 401 and 402.

417. The attention of all postmasters is especially called to section 467, Postal Laws and Regulations, edition of 1879, which must in all cases be strictly complied with. After a letter is mailed it is the property of the person to whom it is addressed, and must be sent to the post office to which it is directed, if there be such an office, unless its delivery be prohibited under section 875 or ruling 423. But whether there be such a post office or not, the postmaster or his subordinates have no authority in law or otherwise to change the direction or address of the letter without express authority of the party or parties entitled to the letter. Should the postmaster or his employees change the address or direction of a letter or package, and should such letter or package in consequence fail to reach the addressee, the postmaster would in law be liable for the value of the package. A postmaster may complete or perfect an address already made, but he cannot change its direction to a different person, or different office, or different state, without authority.

418. Relative to the treatment of misdirected return-request matter of the third and fourth class, see ruling 538.

XV. DELIVERY OF MAIL-MATTER.

(a.) By whom, to whom, and at what Office Mail-Matter can be delivered.

419. The delivery of mail devolves by law and regulation upon postmasters, and in no case can permission be granted to route agents or postal clerks to deliver matter to the person addressed.

420. Postmasters cannot change an address nor deliver letters until they reach the post office to which they are addressed. They may then be forwarded if one full rate has been prepaid thereon.

421. No exception — other than as stated therein — should be made to section 279, P. L. & R., without express authority from the Post Office Department.

422. If a person rents boxes at two post offices his matter must be delivered by the office to which it is addressed.

423. It is the duty of postmasters at both mailing and delivering offices to examine all packages of matter passing at less than letter rates of postage. In the case of registered packages, when mailing postmasters fail to charge full postage and registry fee, the deficient amount is collected from them through the Post Office Department, as described in section 862, P. L. & R., and paragraph 21 in the chapter on the Registry System.

424. It is the duty of postmasters to examine all unsealed packages, notwithstanding the fact that they may be prepaid at letter rates; but under no circumstances can they break the seal of any package not addressed to themselves.

425. A postmaster cannot restrict his Sunday delivery to box-holders, but when his office is open, as required by section 525, P. L. & R., he must make delivery to all persons who call and happen to have matter in the office addressed to them.

426. A postmaster has no right to withhold the delivery of any mail-matter on the ground that the party named in the address is indebted to him.

(b.) Delivery to be only to Addressee or at his Order.

427. Postmasters should decline to deliver mail to any one but the person addressed without a general or special authority to do so. The postmaster, in any case where he fears that the authority given verbally may be questioned, may demand that it be reduced to writing and signed.

428. The preceding ruling is designed to apply to every case in which a postmaster may have any doubt respecting his authority to deliver mail-matter to others than the party addressed.

429. A postmaster may deliver the mail of any one of his patrons to the mail carrier, at the request of the persons addressed, to be delivered to them by the carrier on his route, but he can only deliver matter addressed to his own office in this or any other manner.

430. Any number of citizens may employ an agent, and give him a written order on a postmaster for their mail, and when such order is presented to the postmaster it is his duty to deliver the mail of such parties — also mail addressed to a person in care of any of such parties — to the named agent. When the mail is so delivered the responsibility of the Post Office Department ceases. This ruling is not intended to modify or conflict with sections 281 and 556, P. L. & R. ed. 1879.

(c.) *Delivery in Doubtful and Disputed Cases.*

431. Under the Postal Laws and Regulations neither husband nor wife can control the delivery of correspondence addressed to the other. When so instructed a postmaster must refuse to deliver letters to the husband which are addressed to the wife, and *vice versa*. In the absence of instructions to the contrary, the wife's letters should be placed in the husband's box or delivered to him with his own letters.

432. Relative to the correspondence of minor children temporarily residing at educational institutions, see sections 284, 291, 292, P. L. & R.

433. A letter addressed to a deceased minor who up to time of decease resided with parents or guardian, may be delivered to said parents or guardian.

434. When a minor is not dependent upon a parent or guardian for maintenance and support, and in addition does not reside with a parent or guardian, such minor has the right to control his or her correspondence.

435. If no legal representative of a deceased person exists, and various persons claim mail-matter addressed to said deceased, the matter should be sent to the Dead Letter Office, with a statement of the facts in the case.

436. Letters addressed to a convict, serving a term of imprisonment, should be delivered to the warden or other officer in charge of the prisoners. Letters addressed to a person imprisoned to await trial upon indictment, or pending indictment, should be delivered according to the order of the person addressed at any time before conviction and sentence. If such a person were released on bail no question would arise; and as the law presumes every person to be innocent until convicted by a jury, the inability to give bail ought not to deprive him of the right to control the correspondence addressed to him through the mail. Until after sentence, therefore, the letters must be subject to the order of the person imprisoned, unless upon judicial proceeding authorizing seizure of the letters, in accordance with the decision of the Supreme Court of the United States in *Ex parte Jackson*, 6 Otto, 627. In the absence of any order from the prisoner or his attorney, his letters will be delivered to the person in whose custody he is held.

437. When a letter arrives at a post office addressed to one person in the care of another, and the postmaster has received no instruction from the person for whom it is intended, it is said postmaster's duty to deliver it to the first of the two persons named in the address who may call for it. Should a postmaster transcend his duty in the matter of delivering letters, his responsibility is not a matter of postal law, but of common law, which any party aggrieved has the right to determine in any court of competent jurisdiction.

438. In case of disputes between individuals, firms, companies, or corporations, as to the use of a name or designation, a postmaster should always deliver any matter addressed to a street and number at the place designated, if there be even only color of right to use the title in the person or company at the place designated, and continue the delivery until the person or company so designated is enjoined from receiving the matter by a court. Matter not so specifically addressed may be held by the postmaster while the statements of the claimants, made under oath, are submitted to the First Assistant Postmaster General for decision as to delivery.

439. Section 290, P. L. & R., does not refer to an injunction of a court addressed to the postmaster in regard to the delivery of mail (which the Department cannot recog-

nize), but to an injunction upon a member of a firm or corporation, forbidding him to call for, or receive, mail-matter. A postmaster should not deliver mail to such a person after being notified that a court has enjoined him from receiving or applying for it.

440. It is not intended that section 283, P. L. & R., should be construed so as to control the delivery of letters addressed to an individual or firm as "agent" or "agents" for, etc., and indicating the business, unless such agency is of some public matter, or the business of some corporation duly chartered.

441. The rule for the delivery of letters in case of sale by the addressee of his business, or of an interest therein, without a grant to the purchaser of the right to receive letters addressed to the firm, or to the individual name of the vendor, or the right to use the firm or individual name in future business, is, that the letters addressed to the vendor should be given to him. Such letters, when either right is granted, should go to the purchaser, and this qualification only is added, that when the seller afterwards resumes business in his former name, after the grant of either right, he can only claim mail addressed in the old name when it is also addressed to his new location. When the articles of sale contain an agreement not to use the name of the seller, except in winding up and settling the business of the late firm, all letters addressed to the late firm, at the old stand, should be delivered to a receiver, to be appointed under section 288, P. L. & R., who will deliver to the purchaser only those which relate to the winding up and settlement of the business of the late firm, and the rest to the vendor.

442. Substitute "Dead Letter Office" for "Return Letter Office" in last line of section 288, P. L. & R. ed. 1879.

443. A person engaged in legitimate business may adopt a business name and receive mail by that name, whether registered or ordinary. Such person may also use his own name. He should, however, satisfy the postmaster of his good faith.

444. The right of the late publisher of a suspended newspaper to receive the exchanges thereof cannot be determined by the postmaster, but he must deliver such exchanges upon the order of the late publisher. See ruling 210.

445. A letter from the Pension Office in Washington, D. C., addressed to a pensioner in the care of any third person, may be delivered to either person named in the address who may first call at the post office; but a letter addressed to a pensioner not in the care of any person must be delivered strictly in accordance with section 281, P. L. & R. ed. 1879. A *pension agent* is prohibited from sending letters to pensioners in the care of third parties; therefore all letters from pension agencies must be delivered in accordance with section 281, even though they should be addressed to the care of a third person. A pensioner's order, verbal or written, instructing a postmaster to deliver letters to him from a pension agent, to an attorney, claim agent, or broker, must be disregarded. So also with letters from the Pension Office not addressed to a care. In cases where letters from the Pension Office addressed to a pensioner shall arrive at a post office after the decease of the said pensioner, such letters should at once be returned to the Commissioner of Pensions.

(d.) *Delivery to Fictitious Addresses.*

446. Section 276, Laws and Regulations, 1879, has been amended so as to read as follows: "Letters and packages addressed to fictitious persons or firms, to initials, or to no particular person or firm, unless directed to be delivered at a designated place, as a post office box street, and number, or to the care of a certain person or firm, or other

certain place of delivery within the delivery of the post office to which they are addressed, are undeliverable, and must be sent at the end of each week to the Dead Letter Office, in the manner prescribed by section 455, unless the envelope of the letter or package shall contain the card of the sender, or a request to return, in which cases the letters or packages should be promptly returned to the office indicated by the card or request. Whenever a postmaster has reason to believe that a street or number, designated place, box, or care of another person is being used by any one for covering under a fictitious address correspondence forbidden circulation in the mails, he should promptly report the fact and the reason for his belief to the First Assistant Postmaster General, and await his instruction; giving notice at the same time, at the place where such letters and packages have been received, that, pending instruction from the First Assistant Postmaster General, persons claiming such matter must call at the general delivery to receive it, where it would be the duty of the postmaster to have it placed, and to deliver it to the person calling, upon his establishing his identity."

447. A package addressed to "any intelligent farmer" is undeliverable under section 276, P. L. & R., the same being addressed to "no particular person."

448. Registered matter addressed to initials or fictitious names must be treated the same as ordinary matter so addressed, as explained in section 276, P. L. & R.

(e.) Delivery of Matter inadvertently forwarded and of Matter rated up to First Class.

449. A mutilated stamp cannot be accepted in payment of postage; but should a letter or other package arrive at an office of delivery bearing only a portion of a stamp, such package might be delivered if it bore a postmark, and the portion of stamp bore evidence of cancellation.

450. Relative to the delivery of unmailable postal cards, see rulings 51 and 62.

451. Relative to the delivery of packages of third or fourth class matter weighing over four pounds, see ruling 243.

452. It is not the duty of a postmaster to open packages of third or fourth class matter in the presence of the person addressed. If a package reaches a post office, sealed with a stamp so that it could not be opened without breaking the stamp, the postmaster should not open it, but should rate it up with letter postage and deliver it upon payment of the same, unless the party addressed desires that it should be held by the postmaster unopened, until a request can be forwarded to the Postmaster General for permission to remit the extra charge, upon the package being opened by the person addressed and found not to contain any matter rendering it subject to a higher rate of postage than already paid.

453. When a package prepaid as for third or fourth class matter arriving at destination is discovered to contain first-class matter, it should be rated up with letter postage, and if the party addressed refuses to pay the charge and take it out of the post office, the package must be returned to the mailing office, in order that the penalty, as prescribed in section 233, P. L. & R., may be collected from the sender. See ruling 238.

454. Under section 532, P. L. & R. ed. 1879, it is held that the Postmaster General has no power to lodge discretion in the hands of postmasters to remit a charge of letter postage on any package closed against inspection. The parties subjected to penalties in such cases are entitled to appeal to the Post Office Department; but when they intend to appeal they should let the matter remain in the custody of the postal officials pending the

decision of the Department, which would be based solely upon the evidence of the package itself. See ruling 488.

455. The Post Office Department has no fund at its disposal out of which it can reimburse parties for postages which they may have overpaid.

456. When a letter has been delivered in accordance with its address, it has presumptively passed beyond the control of the Post Office Department.

457. When a letter is received at a post office addressed to a person who cannot be found, the postmaster is not authorized to extend his inquiries beyond the delivery of his own office.

(f.) Delivery of Circulars, etc., sent to Postmaster for Distribution.

458. When a party sends a bulk package of third-class matter to a postmaster for distribution throughout the boxes; or from the general delivery of his office, and fails to pay the drop rate in addition to the bulk rate as stated in ruling 459, there is no objection to the postmaster notifying said party and requesting a remittance in stamps or money sufficient to pay the drop rate.

459. The law intends that third-class matter shall be prepaid by stamps affixed to each package to one address. Therefore a bulk package of circulars, advertisements, handbills, transient newspapers, etc., addressed to a postmaster, prepaid by stamps affixed to the wrapper of the package at the rate of one cent for each two ounces or fraction thereof, is properly prepaid only as far as the postmaster named in the address, and when it reaches his office becomes his personal property; but he cannot distribute any of the contents of such package throughout the boxes, or from the general delivery of his office, unless each quantity delivered to any one person is prepaid in full at the drop rate at his office.

460. Second, third, and fourth class matter may be carried outside of the mails, *i. e.* by private expresses; but if the same shall subsequently be placed in a post office for delivery, postage at regular rates must be charged and collected thereon.

(g.) Time of holding Printed Matter on Delivery.

461. As the law (section 471, P. L. & R.) prescribes a limit of one month during which a subscriber fails to call for or refuses to take a newspaper or periodical from a post office, before the postmaster must notify the publisher, the Department rules that by analogy all unclaimed printed matter should be held for thirty days, subject to call, before it is sent to the Dead Letter Office, or disposed of as waste paper.

XVI. POSTAGE-DUE MATTER.

(a.) Rules for Mailing Office.

462. Cut or mutilated postage stamps, stamps cut from stamped envelopes, postage-due stamps, and internal revenue stamps, cannot be accepted in payment of postage. Letters deposited in a post office, having such matter affixed, must be "held for postage."

463. It is the duty of a postmaster to examine all unsealed matter deposited in his office, and rate up postage due, and not to forward first-class matter unless one full rate is prepaid, nor to forward third and fourth class matter unless fully prepaid.

464. The postal laws require postmasters to send to the Dead Letter Office any matter deposited in their offices to which no postage stamps are affixed, except as provided in sections 437, 439, and 440, P. L. & R. ed. 1879.

465. In case a number of letters are found in a letter-box, wholly unpaid by stamps affixed, and also there be found a sum of money, but not sufficient to pay one full rate on all the aforesaid letters, they should be returned to the writers, if known, and if within the delivery of the mailing office, together with the money. If this cannot be done, they should be sent to the Dead Letter Office, unless the party addressed reside within the delivery of the office of mailing, in which case the matter should be treated as directed in section 439, Postal Laws and Regulations. Postmasters should instruct their patrons that mail-matter must be prepaid by stamps affixed, and that putting money in a letter-box is not a prepayment.

466. The post bill or unpaid letter bill is no longer required. Letters or other first-class matter deposited for mailing in a post office with one full rate of postage prepaid thereon, will be marked "Due 3 cents," "Due 6 cents," or whatever the amount may be, and forwarded like other letters. The "transcript of mails received" is also abandoned.

(b.) Postage-Due Matter in Transit.

467. Postage-due matter must not be stopped in transit.

468. Postmasters must not rate up postage on matter in transit. When a mailing postmaster fails to rate up insufficiently prepaid matter, it must be left to the delivering postmaster, whose duty it is to rate up and collect the amount due, notwithstanding the fact that the mailing postmaster had failed to do his duty. See, in this connection, section 532, P. L. & R. and ruling 454.

(c.) Postage-Due Matter at Office of Delivery.

469. The failure of a mailing postmaster to properly rate up an insufficiently prepaid letter or package does not relieve a delivering postmaster from the duty of collecting the amount due thereon.

470. The neglect of a mailing postmaster to charge the proper amount of postage on matter which he forwards in the mails, does not bind the delivering postmaster. Delivering postmasters are required by law to examine all matter coming to their offices with a view to discover if there be any additional postage due thereon, and if there be any to collect it on delivery.

471. It is the duty of postmasters at offices of delivery, as well as at mailing offices, to examine all packages of matter passing at less than letter rates, in order to discover whether there may be anything inclosed therein subject to a higher rate of postage than has been prepaid thereon.

(d.) Affixing Postage-Due Stamps.

472. Many postmasters need reminding that postage-due stamps must not be affixed at the mailing offices. When packages reach a delivery office, having had postage-due stamps affixed at the mailing office, the delivering postmaster must treat them as though such stamps had not been affixed, and report the mailing office to the Third Assistant Postmaster General, who will see that the amount of such stamps is charged against the mailing postmaster in his account.

473. Postage-due stamps should never be affixed to insufficiently prepaid letters at the

mailing post office, except upon over-weight drop or local letters upon which one full rate has been prepaid, but must always be affixed at the post office of destination, upon the delivery of all insufficiently prepaid matter received in the mail.

474. At all ordinary post offices postage-due stamps are not to be affixed until the delivery of the matter is requested. If the matter is uncalled for it will be returned to the writer, or sent to the Dead Letter Office, just as it was received. If the person addressed requests a letter to be forwarded, upon which there is postage due, it will be forwarded just as it was received, without affixing a postage-due stamp.

475. Postage-due stamps should be affixed upon the delivery of all matter upon which there is a charge, including ship letters, foreign letters, and advertised letters, as well as upon the delivery of all matter over-weight which the mailing postmaster has failed to charge up. It should be borne in mind, however, that no charge for advertising is allowed to be made upon the delivery of advertised letters, except at those six offices which have been expressly authorized by the Department to pay newspapers for publishing the list of undelivered letters, viz.: Baltimore, Md., Boston, Mass., Chicago, Ill., New Orleans, La., New York, N. Y., and Washington, D. C.

476. At letter-carrier offices, postage-due stamps of the proper amount must be affixed to all matter received by mail upon which postage is found to be due, as soon as the matter is received at the post office. The regulations for the use of postage-due bills in the case of matter forwarded by request, returned to writer, and sent to Dead Letter Office, for this reason apply only to letter-carrier post offices.

477. Postage-due stamps must never be affixed to matter which is forwarded by request of the person addressed, returned to writer, or sent to the Dead Letter Office, except at letter-carrier post offices.

478. Postage-due stamps should never be affixed upon the delivery of registered matter. All registered matter received in the mails must be delivered by postmasters without any charge whatever. If the postage stamps upon a registered letter or parcel do not cover the postage and registration fee, the receiving postmaster must not collect the difference from the addressee, but should report the fact to the Third Assistant Postmaster General, who will collect the deficiency from the mailing postmaster.

(e.) *Collection of Double Rate.*

479. Section 267, P. L. & R., should read as follows: "If any mail-matter on which by law the postage is required to be prepaid at the mailing post office, shall by inadvertence reach its destination *without any prepayment*, double the prepaid rates shall be charged and collected on delivery.

480. The double rate is now only to be charged on matter arriving at destination with no evidence of any prepayment whatever.

481. A drop letter deposited in a post office without any postage stamps affixed is *not* subject to the double rate.

482. When at an office of delivery a package arriving in the mail is discovered with no postage stamp upon the envelope or wrapper, but from the *blank in the impression made by the canceling stamp it would appear that a postage stamp was upon it at the time such impression was made*, the postmaster may assume the matter to have been prepaid so far as a stamp of the smallest denomination appropriate to the class would be sufficient. No other evidence can be accepted that a stamp was originally affixed, except as stated above in italics.

(f.) Matter inadvertently forwarded and Matter rated to First Class.

483. Letters prepaid by postage-due stamps arriving at an office of delivery must be treated as entirely unpaid, and double rates thereon collected on delivery. In such cases the mailing postmaster should be reported to the Third Assistant Postmaster General.

484. An unsealed package containing written matter not allowed by ruling 1, or any other first-class matter, the same having less than one full rate, should be held for postage. If, however, such a package should reach the office of destination it should be rated up at letter rates to be collected on delivery, giving credit for stamp affixed.

485. Any matter which should have been held for postage by mailing postmaster, but which, by inadvertence, reaches the office of destination, should be properly rated up, credit being given for stamps already affixed, and delivered on payment of postage due. See ruling 349.

486. A letter without one full rate (three cents) prepaid thereon, which through inadvertence reaches its destination and remains uncalled for, should be advertised the same as any other matter of that class.

487. See rulings 238 and 453, for the treatment, at office of delivery, of packages prepaid as for third or fourth class matter which contain first-class matter.

488. Under section 182, P. L. & R., matter sealed against examination is subject to letter postage. The Postmaster General, under his general authority to remit penalties, may authorize a person to whom a package is addressed, sealed, but prepaid as for third or fourth class matter, to open it in the presence of the postmaster, when, if it be found to contain no writing other than permitted under ruling 1, it may be delivered without collecting additional postage; but direct application must be made to the First Assistant Postmaster General for this privilege, and the package must remain at the post office pending his action. See ruling 454.

489. Ordinary postage stamps cannot be accepted in payment of postage due on insufficiently prepaid packages. Postage-due stamps must be affixed to all such matter, and the amount collected in money.

(g.) Postage Due on Official Matter.

490. Postage due upon matter addressed to an officer of the Government may be paid with official stamps of the Department to which the officer belongs. Official stamps of other than the Post Office Department acquired by a postmaster in this way should be returned for credit to the Third Assistant Postmaster General. In all cases, however, when short paid postage is collected the postage-due stamps must be attached and canceled.

491. Official stamps can only be used on short postage letters when said letters are addressed to an officer or to parties employed in an official capacity by an officer entitled to their use. They cannot be used on the short paid letters addressed to the domestic servants of such officers or parties employed by them otherwise than in public service.

492. Upon the statement of the officers that the matter held for postage is upon official business, official postage stamps must be received by postmasters from officers of the Government in payment of postage due upon matter addressed to them, no matter from whom received or in what kind of stamps they were originally partly prepaid.

Official stamps so received should be returned to the Third Assistant Postmaster General, who will report a credit to their amount in favor of the postmaster receiving them.

493. It is held by the Post Office Department that sections 270 to 274, P. L. & R., relating to the use of "postage-due stamps," have no application to official matter forwarded under cover of official penalty envelopes; therefore no additional postage should be rated up on such matter, either at the office of mailing or delivery.

494. When matter addressed to a postmaster reaches its destination insufficiently prepaid, the postmaster has the same right as any other citizen to refuse to pay the necessary additional charge for postage, and may decline to take the package out of the post office, which must then be treated as "refused" matter.

(h.) Return of Postage-Due Bills, and Use of Postage-Due Stamps.

495. Postmasters at the free-delivery post offices receiving a postage-due bill from another free-delivery post office, accompanying a forwarded letter having postage-due stamps affixed and canceled, should at once return the bill with the necessary amount of uncanceled stamps to the postmaster who sent it, and treat the letter in all respects as if it had been originally received and the postage-due stamps affixed thereon at their own post office.

496. Postmasters at post offices where there is not free delivery, receiving a postage-due bill from a free-delivery post office will not return the bill nor the stamps until they have delivered the letter and got the money for the stamps, when they will account for the stamps sent back with the bill as sold, and count the postage-due stamps received on the letter as canceled by them. If the forwarded letter is not called for they will return the bill to the postmaster who sent it, and the letter to the Dead Letter Office with the regular return.

497. When an insufficiently prepaid letter is forwarded with postage-due stamps attached and a postage-due bill from a free-delivery post office to a post office at which free delivery has not been established, and such letter is forwarded to another post office at the request of the person addressed, the postage-due bill should be forwarded with the letter, and the postmaster from whom the letter was received should be advised of this action. It will be the duty of the postmaster who delivers the letter and collects the postage due to return the bill with the proper amount of uncanceled stamps to the postmaster at the said free-delivery office as prescribed in section 274, P. L. & R., 1879.

498. If a letter is received at a post office forwarded from a free-delivery office, bearing postage-due stamps canceled but not accompanied by a postage-due bill, and the letter shows no indication that a bill has ever been attached thereto, it should be considered as evidence that the letter has been delivered, the postage due collected, and that it has then been returned to the post office for forwarding under section 372, P. L. & R., and the letter should be delivered without collecting for the postage-due stamps.

499. Any uncanceled stamps except official stamps may be returned with postage-due bills in payment of the same as required under section 274, P. L. & R. 1879.

500. Postage-due stamps must never be sold by postmasters.

501. Postage-due stamps must never be used by postmasters in place of official stamps for prepayment of letters.

502. Postage-due stamps must be accounted for as other postage stamps, and when improperly used or sold will be a charge against the postmaster and his sureties from which he can only be relieved by payment of their value in full.

XVII. FORWARDING OF MAIL-MATTER.

503. Section 371, P. L. & R., relative to forwarding mail-matter without additional charge for postage, intends that letters having one full rate prepaid thereon may be forwarded; second-class matter being presumably fully prepaid, may be forwarded; also any third or fourth class matter which shows by the stamps affixed that it has been fully prepaid, and postal cards. This regulation is not intended to provide for the return of any matter to the sender, — except as provided in section 465, P. L. & R., as amended by ruling 753.

504. Postmasters must disregard all orders to forward letters or other mail-matter that are signed by any other person than the party named in the address on the matter to be forwarded.

505. Postmasters should not forward mail-matter, *except to the party addressed*, even should an order to forward it to any other person come from the addressee himself.

506. When parties request that their mail be forwarded to them, it should be sent by the next mail going in the new direction.

507. An order from any one to "forward" mail-matter is good until revoked by the person giving the original order.

508. The direction on forwarded letters may be changed as many times as may be necessary to reach the person addressed.

509. When it can be done without interfering with the transaction of the usual business of his office, a postmaster may correct the address and forward fully prepaid misdirected and undeliverable second, third, and fourth class matter, at the request of the sender, without exacting additional postage thereon. Section 371, P. L. & R., provides for forwarding all classes of properly prepaid matter at the request of the persons to whom it is addressed.

510. Letters prepaid at "drop" rates cannot be forwarded in the mails, except as provided in section 431, P. L. & R., unless additional postage is furnished for the purpose. If one cent has been prepaid, two cents additional must be required; with two cents prepaid, one cent additional.

511. A drop letter prepaid with a two-cent stamp does not become subject to a charge of an additional cent at a free-delivery office, unless the same is actually forwarded to another office. The mere request to forward, and the sending of a notice to the party addressed, does not authorize the additional charge so long as the letter is held subject to delivery at the local office.

512. A letter addressed to a traveling salesman, in care of one of his customers, should be forwarded without extra postage, even if it has been delivered to the person in whose care it was addressed and held a longer time than is indicated by a return request thereon. See ruling 529.

513. A registered letter may be forwarded in accordance with the written request of the person named in the address, the same as any other mail-matter, without additional charge for postage.

514. Postal cards may be forwarded at the request of the party named in the address, the same as letters.

515. Relative to the forwarding of "free county" newspapers, see ruling 148.

516. Matter inclosed in penalty envelopes may be forwarded indefinitely.

517. For forwarding of foreign "nixes," see ruling 408, and paragraph 45 in the chapter on the Railway Mail Service.

518. A letter opened through inadvertence may nevertheless be forwarded to the person addressed without additional charge for postage. See ruling 530.

519. The practice of requiring a new prepayment on mail-matter which has been taken out of a post office and carried away, or delivered by carriers, and then offered again for mailing to another post office, has been changed under the new regulations. (Section 372, P. L. & R.) Such matter when promptly returned to the post office, redirected, may be received and transmitted without additional charge for postage.

520. The prohibition of sections 378 and 720, P. L. & R., applies properly only to letters originally mailed with intent to defraud the Government by the use of canceled stamps thereon, or to the attempt of postmasters to obtain commissions on stamps canceled by them, upon matter not actually mailed at their offices. These sections should not be construed so as to nullify the law, section 371, P. L. & R., which directs that "prepaid letters shall be forwarded from one post office to another at the request of the person addressed." Inasmuch as, by section 628, P. L. & R., the Postmaster General has designated all postal cars and mail apartments in cars and on steamboats as post offices, it is held that a deposit in a railway office, at the post office originally addressed, of an unopened letter readdressed for forwarding, is permissible under section 372, P. L. & R.

521. The deposit of a letter readdressed for forwarding in any letter box established by the Post Office Department within the delivery of the post office originally addressed, is equivalent to a deposit in the post office, and when such letters are taken out of the boxes by letter carriers or employees of the railway mail service, they should be forwarded to destination with the other contents of the boxes.

522. Any new communication written on the envelope of a letter, which is returned to a post office to be forwarded as referred to in section 372, P. L. & R., will subject the same to a new prepayment.

XVIII. WITHDRAWAL AND RETURN OF MAIL-MATTER.

523. After a letter has passed from the mailing post office, the delivery of the same cannot be delayed or its return to writer secured, except upon the application of the sender to the Postmaster General, stating the imperative necessity therefor and identifying the matter. The application, with all the proof accompanying it, should then be forwarded by the local postmaster, but only when he can indorse the application, and a sum of money has been deposited with him sufficient to pay for the dispatch of the application and other necessary telegraphic messages, etc.; all expenses to be paid therefrom, whether the application be successful or not. It must be understood that such application will only be granted by the Postmaster General when the proof accompanying the application is conclusive of identity, and the emergency justifies the exercise of a reserved power, never to be resorted to where there is any other remedy; and also that the interference of the Postmaster General will be absolutely restricted to letters, or matter prepaid at letter rates.

524. First-class matter only, or matter upon which letter postage has been prepaid, can be returned to the sender without a new payment of postage. Misdirected second-class matter should be returned to the publishers as required by section 438, P. L. & R.

525. Postmasters must examine the return request upon letters not promptly delivered, so as to comply with the request within the time limited. Frequent complaints are made of such failures by postmasters, and the answer, that the time was overlooked, is not satisfactory to the Department.

526. The sender of any request matter, subject to first-class rates (see section 456, P. L. & R.), has the right to lengthen or shorten the time originally named on the envelope, after which a letter, if not delivered, shall be returned to him, *provided it remain on delivery at least three days*, and postmasters should obey such written authority, and return as directed, without additional charge for postage.

527. The sender of card matter, *i. e.* letters which bear simply the name and address of sender, without a request to return, if not delivered (see section 457, P. L. & R.), has the right to name a time, after which, if not delivered, such matter shall be returned to him, *provided it remain on delivery at least three days*, and postmasters should obey such written authority, and return as directed, without additional charge for postage.

528. Unclaimed letters inclosed in envelopes such as the proprietors of hotels usually furnish gratuitously to their guests, should not be returned to the mailing office even when they bear a printed request for their return. If a hotel proprietor desires his undelivered correspondence restored to him under the provisions of the return-request system, he can have it done by using an envelope specially designed for that purpose, or by adding a manuscript request to the ordinary hotel card.

529. A letter addressed to a traveling salesman, in care of one of his customers, should be returned without extra postage, even if it has been delivered to the person in whose care it was addressed and held a longer time than is indicated by a return request thereon. See ruling 512.

530. A letter opened through inadvertence may, nevertheless, be returned to writer without additional charge for postage. See ruling 518.

531. A request to return, written or printed, on the address side of a postal card renders it unmailable; but when, by inadvertence, such cards reach their destination such request must not be regarded, as under no circumstances should they be returned to sender.

532. A letter bearing a return request on the envelope, after having been transmitted in the mails to destination, and subsequently returned to the writer because of failure of delivery at the point of destination, cannot be again transmitted in the mails except it be prepaid anew.

533. Requests to return on second, third, and fourth class matter can be regarded only as provided in section 465, P. L. & R.

534. Relative to the return of undelivered or uncalled for second-class publications, see rulings 204 and 205.

535. The notice to publishers as required by section 471, P. L. & R., is only required for second-class matter. Printed matter prepaid by stamps affixed, if not taken out of a post office, may at the end of thirty days be placed with other waste paper, unless there be a notice thereon that if notified the publisher will furnish postage for its return, in which case the printed notice may be sent and the amount of postage needed for its return stated thereon.

536. It is found that many postmasters are returning third-class matter to the senders without being furnished with postage for the purpose. Their attention is called to sections 457, 465, and 478, P. L. & R., and they are directed to cease the practice.

537. A package of third or fourth class matter bearing a written return request should not be forwarded but should be held by the postmaster at the office of mailing, and the sender notified as directed by section 465 and Order No. 15, page 580, January, 1880, Guide. In case such a package is inadvertently forwarded to destination it should be delivered without rating up letter postage thereon on account of the request being in writing. If such a package cannot be delivered, the return request should not be complied with, but the postmaster at the office of destination should notify the sender of the fact of non-delivery and request him to send the proper amount of postage for the return of the package. In case the package is inadvertently returned to the sender it should be delivered to him only upon the payment of a new rate of postage. If the sender of a package, which has been returned to him before mailing on account of its bearing a written return request, still desires it to be forwarded, he should be required to change the request so as to conform to the requirements of section 465, before the matter can be forwarded. After such a package has left the mailing office by inadvertence its treatment should be the same, whether the request to return be written or printed. See ruling 753.

538. Misdirected matter of the third and fourth classes with return request thereon, should be treated as all other uncalled-for matter of such classes having return request thereon, as stated in section 465; that is, the sender may be notified that by remitting the amount of postage sufficient to prepay its return it will be returned. First-class matter only can be returned to sender without additional postage.

539. Misdirected or undeliverable third and fourth-class matter cannot be returned to the sender unless a new postage rate be prepaid thereon. See section 465, P. L. & R. as amended in ruling 753.

540. Under section 465, P. L. & R. ed. 1879, postmasters are required, where it is possible to do so, to notify the senders of packages of third or fourth class matter, in case their packages cannot be delivered. Said notice may be inclosed in a penalty envelope, official stamped envelope, or ordinary envelope prepaid by official postage stamps.

541. Relative to the withdrawal by sender from post office of mail-matter before its dispatch, see sections 291, 292, and 293, P. L. & R. 1879.

542. Relative to the withdrawal of mail-matter which has passed from the mailing post office, see section 294, P. L. & R., and ruling 523.

543. The provisions of sections 291-293, P. L. & R., governing the withdrawal of letters after having been deposited in a post office, and before having been dispatched in the mails, may be applied also to other classes of mail-matter. When matter is so withdrawn, no allowance can be made for postage stamps canceled prior to the application.

544. Section 117, P. L. & R., relative to commissions on stamps canceled, restricts a postmaster to "matter actually mailed at his office." The mailing is completed by the deposit of the matter in the post office. If the sender of any matter should desire to withdraw it, before the departure of the mail, under section 291, P. L. & R., and after the stamps have been canceled, such person is not entitled to have the value of the stamps refunded, and the postmaster is entitled to his commission thereon.

545. There is no authority for withdrawing letters from the mails at any other request

than that of the writer, or the legal guardian of the writer, when the latter is a minor, or for any cause, such as insanity, is under guardianship by order of a court of competent jurisdiction.

XIX. LETTER CARRIERS AND MAIL CARRIERS.

(a.) *Letter Carriers.*

546. Under the statute regulating the unlawful carriage of mail-matter by private expresses, the Post Office Department does not insist upon the right to prohibit the carriage of manuscript intended for publication otherwise than in the mail, when unaccompanied by any matter in the nature of a personal correspondence.

547. The prohibitions of sections 555 and 558, P. L. & R. (sections 3982 and 3984, Revised Statutes), concerning private expresses, must be held to apply undoubtedly to letters, postal cards, and other first-class matter having the nature of personal correspondence.

548. No one can carry letters outside of the mail for pay, but letters may be sent by a private messenger without pay to any post office for mailing.

549. Any person has the right to carry his own letters and mail them where he chooses, or without compensation can carry letters for another past one post office to mail them at another.

550. Section 318 (page 96) of the Postal Regulations of 1879 has been modified to read as follows: "Persons nominated for appointment as letter carriers must be over eighteen years of age. They must be intelligent, temperate, and physically fitted for the service, and must be able to read and write, and understand the elementary rules of arithmetic; provided, however, that no person shall be eligible to such a position who shall have passed the age of forty-five years. In the case of the appointment of a minor his parent or guardian must bond for him."

551. Section 344, P. L. & R. 1879, has been modified so as to read as follows: "A letter carrier is forbidden to deliver mail-matter in the streets, even to the owners, unless they are personally known to him, and it can be done without unreasonable delay; but must deliver all matter at the houses to which it is addressed.

552. Carriers are forbidden to deliver any mailable matter which has not passed through the post office or station with which they are connected, or to exhibit any mail-matter intrusted to them (except on the order of the postmaster or some one authorized to act for him) to persons other than those addressed, or to deviate from their respective routes, or to carry letters in their pockets, or to engage in any business not connected with this service during their hours of business.

553. Carriers are required, while on their rounds, to receive all letters prepaid by postage stamps that may be handed to them for mailing, but are strictly forbidden to delay their deliveries by waiting for such letters, or to receive money to pay postage on letters handed them for mailing.

554. Relative to receipt by letter carriers of registered matter, see paragraph 18 in chapter on the Registry System.

(b.) *Mail Carriers.*

555. Postmasters should not intrust the mail to unsworn carriers, or permit unsworn persons to handle mail-matter in their offices.

556. No postmaster, or assistant postmaster, or clerk in a post office, can be a contractor for carrying the mails, or sub-contractor, or agent for a contractor or sub-contractor. The wife of a contractor or sub-contractor is held to be ineligible to an appointment as postmaster.

557. Postmasters or their assistants must not act as mail carriers or messengers.

558. When a postmaster administers the "oath" to a newly appointed mail carrier, he should furnish such new appointee with a certificate of the fact, as authority to other postmasters to deliver mail to him.

559. A postmaster should not become surety upon the bond of a contractor.

560. Order No. 54, dated May 25, 1881, relative to acceptance of sureties on bidders' bonds for execution of contracts for carrying the mails, was rescinded by Order of the Postmaster General dated September 29, 1881.

561. Mail carriers must take the oath anew before entering upon a new term of service on the same route, or on changing to a new route, or if one be employed on more than one route he must take the oath in each case of service. This is necessary in order that the Division of Inspection may be enabled to identify the person employed, and to whom the payment for service is to be made.

562. A reasonable time must be allowed to a mail messenger between a post office and railway station, in which to convey the mail to the trains.

563. Under section 628, P. L. & R., mail carriers are required to receive any mail-matter presented to them, if properly prepaid by stamps, and deposit it at the next post office on their route. This section compels a mail carrier to receive such matter only as may be fully prepaid by stamps affixed. If, however, in a spirit of accommodation, the carrier chooses to receive matter not prepaid by stamps affixed, and carry it to the next post office, where he will attach the necessary stamps and mail the same, there is nothing in the law to prohibit him doing so. Should there be an effort to reduce the compensation of any postmaster by collecting letters at a store or other place and attempting to secure their mailing through a carrier, said carrier should not stop for them, but must receive only letters prepaid by stamps coming to him from such a source, and then only when handed to him on his route.

564. There is no law or regulation of the Department forbidding persons to deposit matter for mailing at any post office, and section 628, P. L. & R. 1879 (R. S. 3980), requires all mail carriers to receive any mail-matter which may be presented to them, if properly prepaid by stamps, and deliver the same for mailing at the next post office at which they arrive. After a mail carrier on a star route has left a post office and started on his route, mail-matter received by him, even within the delivery of that office, must be delivered for mailing to the next post office on his route. If, however, in order to spite a postmaster by depriving him of his commission upon stamps canceled, persons make a practice of meeting a mail carrier at or near the door of a post office, and handing him matter to be mailed just as he is starting upon his route, the case should be reported to the Department, and the mail carrier will be instructed to refuse to receive matter for mailing under such circumstances.

565. A mail carrier is obliged to receive any matter properly prepaid, which he must deposit in the first post office at which he arrives; but a mail carrier acting in the capacity of a private messenger, or "agent," could only receive such matter with the consent of the contractor, without expense to the Department, the contractor bearing in mind that failure to make schedule time subjects him to a fine.

566. Contractors, or mail carriers, have no right to refuse to carry packages of mailable matter which on account of their size and shape cannot be put into a mail pouch. It is the duty of a contractor to carry the mail *and every part thereof*. They have the right, however, to refuse to carry packages weighing over four pounds, except matter emanating from an executive department of the Government.

567. A mail carrier cannot receive any mail-matter to be carried outside of the mail that is subject to first-class rates, unless the same be inclosed in government stamped envelopes, properly sealed and marked.

568. A letter handed to a mail carrier on his way to a post office, and intended for a person living within the delivery of that office, may be prepaid as a drop letter.

569. A mail carrier cannot refuse to receive matter handed to him on his way to a train, unless it is not properly prepaid, or it can be proved that the person offering it is in combination with parties whose object is to annoy a postmaster.

570. Section 662, P. L. & R., has been so amended as to require the delivery of mail into the post office.

571. It is the duty of the carrier, on a star route, to deliver the mail into the post office when it is within eighty rods of the route. It is further his duty to announce his arrival and to deliver the mail into the hands of the postmaster.

572. Mails must not be kept over night by mail messengers; they must be kept in the post office. See section 412, P. L. & R.

573. A mail carrier has no right to carry a sealed telegraphic dispatch, unless postage is prepaid thereon, and then he cannot carry it past an office on his route unless it is inclosed in a stamped envelope.

574. Orders for goods cannot be carried by mail contractors or their agents outside of the mails except in government stamped envelopes which must be sealed.

575. A mail carrier may purchase and deliver merchandise along the line of his route, provided his duties as mail carrier are not thereby interfered with.

576. A mail carrier may carry orders to purchase goods directed to himself, but if the orders are directed to another person they must be inclosed in a stamped envelope, if sent outside of the mail. A mail carrier may bring a written bill for goods purchased and carried by him for another person.

577. There is nothing in the postal laws to prohibit a "mail contractor," "sub contractor," or "mail carrier," from holding any state or municipal office. When a contractor is reported for any neglect he is fined. When a mail carrier is so reported he is discharged.

578. The Post Office Department cannot give authority to a mail carrier, or letter-carrier, to carry concealed weapons; his right to do so depends on the laws of the state. Relative to protection from vicious dogs, see section 364, P. L. & R. ed. 1879.

579. Mail contractors are not entitled to transmit their correspondence through the mails under cover of official penalty envelopes.

580. A mail contractor or sub-contractor, in forwarding to the Post Office Department his contract, correspondence, or any papers relating thereto, must prepay the postage thereon in ordinary postage stamps, and if he desires to register the same, must pay the registry fee in the same way.

XX. RAILROAD AND STEAMBOAT SERVICE.

581. Section 3980, R. S. (section 628, P. L. & R.), requires every route agent or postal clerk to receive any mail-matter presented to him, if properly prepaid by stamps, and the officer acts at his peril in refusing matter thus actually properly prepaid, although he has no means to test the fact but his own judgment. Of course the peril is slight for a simple error of judgment, and the only means this Department can suggest to avoid the difficulty is, in all cases of doubt, to accept the matter and deposit it at the next post office at which he arrives, where it can be weighed and, if not properly prepaid, treated as the law directs. Money in place of stamps should not be received by employees, nor the matter accepted unless stamped.

582. Employees of the railway mail service are prohibited from receiving newspapers, etc., from publishers and news-agents, unless the packages are accompanied by a certificate from the postmaster at the nearest post office that the postage has been paid thereon.

583. Sections 628 and 720, P. L. & R., permits the public to mail letters on trains, and the employees must receive them, except they bear canceled stamps.

584. The law does not provide any relief for a postmaster whose receipts are diminished by reason of the public mailing letters on railway mail cars.

585. Frequent complaints are made by postmasters to the effect that their commissions are diminished by the practice accorded the public, of mailing letters in railway postal cars, instead of at post offices. The Department would call attention to the fact that such practice has always been permitted by regulation, — see section 720, P. L. & R., — and was subsequently expressly legalized by act of March 3, 1879. See section 555, P. L. & R. The Department would remind those postmasters whose salaries are thereby decreased, that the postal system is regulated for the convenience of the public, and that any abridgment in the interest of postmasters, of the rights now enjoyed by the public in its use of the mails, would scarcely be tolerated. In reply to requests from postmasters to permit them to attend at trains, and cancel stamps on matter mailed thereon, and include the same in their quarterly account of stamps canceled, their attention is called to the language of section 117, P. L. & R., which bases the salaries of fourth-class postmasters on commissions on stamps, etc., canceled “on matter actually mailed at their offices.” An examination of the law as above quoted will show that the Postmaster General has no discretion in the premises.

586. The act of June 17, 1878, section 117, P. L. & R., fixing the salaries of postmasters of the fourth class, which is printed on the back of every quarterly account blank, bases the same upon commissions on stamps canceled “on matter *actually mailed* at their offices;” therefore a postmaster who should include in his *sworn statement* stamps canceled at a railroad depot, or on mail trains, or on any matter *not actually mailed at his office*, commits a very grave offense against the law, the penalty for which, on conviction, is stated in the act above quoted.

587. Conductors on railroad trains, or other persons not connected with the railway mail service, would be subject to fine for carrying letters, unless they are inclosed in United States stamped envelopes of proper denomination, except such letters or packets relate to some article carried at the same rate by the same railway car.

588. The last five lines of section 531, P. L. & R., should not be held as applying to employees of the railway mail service, who should be governed entirely by section 764, P. L. & R.

589. The Department does not require a railroad company to deliver mails at a post office within the eighty-rod limit, at a point where the company has no agents. The postmaster must attend to the delivery and receipt of mail in order to oblige the patrons of his office. If he refuses or fails to do this, the office will be discontinued.

590. Whenever the mail on any railroad route arrives at a late hour of the night, the railroad company shall retain custody thereof, by placing the same in a secure and safe room or apartment of the depot or station until the following morning, when it shall be delivered at the post office, or to the mail messenger employed by the Department, at as early an hour as the necessities of the office may require.

591. For information relative to the disposal of letters on mail steamboats, see section 261, P. L. & R.

592. Letters in ordinary envelopes prepaid by postage stamps may be handed to a route agent on any steamboat carrying the mail. Steamers which do not carry the mail may carry letters inclosed in government stamped envelopes of proper denomination, and they may be delivered by the boat officers directly to the parties addressed, but when they take letters in ordinary envelopes, such letters must be deposited in a post office on arrival, as provided by section 253, P. L. & R. Of course postmasters can only forward in pouches, by regular mail routes.

593. Letters brought by a steamboat relating to some part of its cargo carried at the same time, or if not relating to the cargo, inclosed in stamped envelopes, as prescribed by section 568, P. L. & R., need not be deposited in a post office for delivery. All other letters brought by a steamboat must be treated as prescribed by sections 253, 260, 261, and 263, P. L. & R. A postmaster cannot receive letters from a steamboat except in his official capacity, unless they are addressed to him and relate to some part of the cargo carried at the same time, or are inclosed in stamped envelopes.

594. Letters deposited for mailing in post offices by the masters of steamboats plying wholly between ports of the United States, if prepaid by stamps, should be forwarded to destination charged only with the fee of two cents paid to the master of the vessel under section 253, P. L. & R. 1879. If wholly unpaid they should be forwarded to destination charged with double rates of postage in addition to the fee of two cents. Section 258, P. L. & R. 1879, refers only to ship and steamboat letters brought from foreign ports. Section 255 does not refer to letters carried by steamboats plying wholly between ports of the United States.

595. At the post office where letters brought by vessels or steamboats not employed in carrying the mail from any domestic or foreign port are deposited, they will be charged with double rates of postage, to be collected at the office of delivery — that is to say, six cents for the single weight if mailed, and four cents the single weight if delivered at the office; but if such letter has been prepaid by United States stamps at such double rate of postage, no additional charge will be made. If only partly prepaid by stamps, the unpaid balance will be charged and collected on delivery. If such letter is addressed to any point in a foreign country no fee will be allowed thereon by the postmaster to the carrier.

XXI. RELATIONS OF POSTMASTERS WITH THE PUBLIC.

596. Upon pages 321–323 of the Postal Laws and Regulations, edition of 1879, will be found three Executive Orders, to which the Postmaster General desires to call the atten-

tion of postmasters. Their substance, briefly stated, is as follows: Postmasters appointed by the President are forbidden to hold any other office, whether salaried or not, under state, territorial, or municipal government, "except the offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, or bail, or to administer oaths." The acceptance by a postmaster at a presidential office of any other office is considered equivalent to a resignation of his office as postmaster. Postmasters of the fourth class are permitted to hold any other office to which they may be appointed or elected, "provided the same be found not to interfere with the discharge of their duties as postmaster." The foregoing provisions are contained in the Orders of President Grant, dated January 17 and 28, 1873.

597. The statutes of certain of the states having provided that depositions, taken before officers properly authorized, shall be treated as having been in official custody when received through the United States mail, provided a certificate of its receipt from the officer taking the evidence is given by the postmaster at the office of mailing, it is therefore expected that postmasters receiving depositions for mailing will, in a spirit of comity, sign the formal receipt contemplated by the law of the state for use in whose court the deposition is taken.

598. The preceding ruling does not, of course, intend that any postmaster should certify to facts not within his knowledge, as that would not be the "formal receipt contemplated by the law of the state." The "receipt contemplated by the law" is one that shall secure absolute immunity from exposure to fraudulent alteration in the depositions taken, and it therefore contemplates that every fact, certified as true by the postmaster, shall be so within his knowledge. Unless such proof is brought before the postmaster as to every fact stated, he would, of course, decline to certify. Nor is there any intention of directing the postmaster to sign such certificates. It is recognized by the Postmaster General that he cannot impose duties upon postmasters foreign in their character to the duties imposed by United States statutes. It was only intended that as, in many instances, the Government of the United States names the officers of the different state governments as its agents to execute the laws passed by Congress (notably in the return by the governor of one state of a fugitive from the justice of another), and as such officials commonly act in deference to public sentiment, so in simple comity, where the certificate could be signed upon full knowledge and without interruption of official duties, it was "expected" that postmasters would comply with the request. "Comity," however, between the officials of the general government and those of states never permits a false certificate nor requires the neglect of official duty for the purpose of performing a voluntary unofficial act. Indeed, the Postmaster General is well aware that many postmasters would, in common prudence and to avoid personal liability, disappoint the expectation, by whomsoever it was entertained, and he certainly will not be disposed or authorized to criticise their action. In large cities, or where the delivery or work of the office is extensive, it will not be possible to comply with the requests made, and there will, in fact, at such points exist no necessity for such certificate, as the express companies will furnish means of carriage; but in small offices the facts are readily ascertained, and there is time sufficient to render the facts assured. But even then it must be optional with the postmaster to sign or decline.

599. Section 25, P. L. & R., confers the right of administering the oath as prescribed in section 24, upon any officer, "civil or military, holding a commission under the United

States;" therefore a postmaster who has been commissioned by the Postmaster General is entitled to administer said oath; but it is not obligatory upon him, neither is there any fee prescribed in case they do perform such service. Nevertheless a postmaster who is also a justice of the peace, or a notary public, who executes the certificate in his official capacity as justice or notary, is entitled to collect his usual fee from the party taking the oath.

600. Postmasters and their assistants are obliged to obey the mandates of a court when properly served by a subpoena. Should a postmaster and his assistant both be subpoenaed for attendance at the same time, the postmaster should have a temporary assistant sworn in to take charge of the post office during their absence.

601. A postmaster summoned as a witness should obey the summons and go into court, but should refuse to testify in regard to the delivery of mail-matter, at the same time exhibiting to the court section 531, P. L. & R. He will then abide by the action of the court.

602. In cases where a postmaster is served with a *subpœna duces tecum* requiring him to produce in court any of his official records, he should not comply with the order, but should appear and state to the court that his possession of the records is an official one, and call attention to the act of Congress authorizing the authentication of copies of records.

603. Postmasters cannot be compelled to testify in proceedings at law as to the ownership of letter-boxes in post offices or to whom letters addressed to a box number are delivered. The postmaster is an agent of the Government, and there is no relation which the Government sustains towards the people of such high trust and of such peculiar and confidential character as in the transmission of sealed communications. The name of the persons addressed is written on the outside of the letter for the single purpose of enabling the postmaster to deliver it to the proper person. For any other purpose the postmaster himself is presumed to have no knowledge of the address. The law regards the right of private and confidential correspondence as so sacred that it requires letters addressed to a particular box or place to be delivered at that particular box or place, even though directed to no particular person, thus enabling parties, if they choose, to protect themselves against the unlawful disclosures of any one handling the mail. But the intent of this provision would be defeated if the postmaster could be compelled to disclose the name of the person taking the letter from the box.

604. Postmasters and mail carriers are exempt from militia duty. Deputy postmasters are not, however, entitled to a like exemption.

605. There is no law exempting postal officers and employees from road and jury duty to which other citizens are liable. The question of citizenship is determined by state and territorial law.

606. Postmasters and their assistants are not exempt from road duty. Should a postmaster and his assistant be both summoned at the same time for road duty, the postmaster should have a temporary assistant sworn in to take charge of the post office during their absence.

607. There is nothing in the postal law exempting postmasters from arrest.

608. The Supreme Court of the United States having held by a long line of decisions that "so long as money remains in the hands of a disbursing officer it is as much the money of the United States as if it had not been drawn from the Treasury, and that, until

paid over by the agent of the Government to the person entitled to it, the fund cannot, in any legal sense, be considered a part of his effects," postmasters are therefore instructed that no process of attachment or garnishment will lie against drafts or government moneys in their hands. The same rule will apply to money-orders, and money-order funds, the statute (1074, P. L. & R.) declaring such funds, including fees thereon, to be money in the Treasury of the United States.

609. No authority is ever given by the Post Office Department for the examination of letters in the mail or a post office by any one not connected with the postal service. Proceedings must first be taken before a court, and proper authority given to an officer before he can seize letters in charge of the Post Office Department.

610. A sheriff cannot claim a right to seize matter in the custody of the United States mails under an execution. An attempt to do so would of course be instantly followed by criminal proceedings against all parties concerned in the violation of the security of the matter intrusted to the mails.

611. The question of a postmaster's right to refuse to receive into his office matter which may be brought to it by persons who are inmates of, or messengers from, houses containing cases of contagious diseases, such as small-pox, yellow fever, etc., should be determined by a "board of health;" but if there be no such organization in the place, the postmaster should consult some prominent physician, and act upon his advice. Mail-matter designed for the inmates of such houses may be sent to them by the hands of some responsible person known to the postmaster.

612. Where the health officers of a village, town, or city, by official action declare that mail-matter from any other village, town, or city is liable to communicate a contagious disease, which at the time is prevailing in the place whose mail it is thus sought to quarantine, and such health officers shall furnish the postmaster with a certified copy of such declaration, it shall be the duty of said postmaster to refuse to accept said mail-matter from any carrier or mail messenger, and he shall furnish such carrier or mail messenger with a copy of said declaration to be delivered by him to the office thus quarantined, with the mail-matter so refused, and the facts shall at once be reported to the First Assistant Postmaster General. In the absence of a board of health officers, the declaration of the regular county or city medical society may be accepted, and failing such organization, the opinion of such physicians as the postmaster may regard as most reliable may be acted upon. The mail so returned shall be held until the prohibition is removed, and shall, after being properly fumigated under the direction of the medical authorities, be forwarded to the place of original destination.

613. Relative to postmasters reading the communications on postal cards, or disclosing information obtained by them in the performance of their official duties, see section 531, P. L. & R.

614. Postmasters must not disclose information obtained by them in the discharge of their official duties.

615. Postmasters are expected to extend to all persons the courtesy of a respectful reply to inquiries upon postal business, for which they may use penalty envelopes. They may use their own discretion about replying to letters upon the private business of the writers, to which replies should be prepaid by ordinary stamps.

616. There is no law or regulation requiring postmasters to attend to the business of private individuals; they may, however, do so as an act of courtesy, when perfectly con-

venient to themselves. Private individuals, when addressing postmasters on their own business, should inclose a postage stamp for reply.

617. Postmasters are required to provide a suitable letter-box, to be constructed in the post office window, wall, or door, with an aperture for the reception of mail-matter, accessible to the public at all hours.

618. Postmasters at money-order offices are required to furnish pens and ink for the convenience of the public in transacting money-order business.

619. Postmasters are not authorized to exclude the public from the lobby of a post office during the distribution of the mail. They, however, have the right to prohibit smoking in the lobby, and enforce the observance of good order, and, when necessary, to call upon the local authorities for assistance.

620. If a postmaster should cause loss to a publisher because of failure to comply with a plain provision of law, his liability would have to be determined in the courts, and not by the Post Office Department. See ruling 717.

XXII. GENERAL RULES FOR POSTMASTERS IN THE CONDUCT OF THEIR OFFICES.

(a.) Days and Hours of Business.

621. Government officials in their observance of holidays must be governed by the regulations of the Department with which they are connected. Postmasters are justified in observing as holidays, January 1st, July 4th, December 25th, and such days as the President of the United States may designate as Fast and Thanksgiving days. Upon other occasions they should write to the First Assistant Postmaster General for permission to close their offices. When other legal holidays fall upon a Sunday, the following Monday will be observed. In observing all holidays postmasters must be governed by section 525, P. L. & R. ed. 1879, relative to the observance of Sunday.

622. A postmaster need not open his office on Sunday, if no mails arrive after the closing of the office on Saturday and before six o'clock Sunday afternoon.

623. In cases where the public convenience requires that a post office shall be opened on Sunday, as stated in section 525, P. L. & R., the postmaster may sell stamps, etc., to any one applying for them; but he is not permitted to issue money-orders or register letters. (Sections 811 and 974, P. L. & R.)

624. Relative to hours for closing the mails, see section 410, P. L. & R. At fourth-class offices they should not be closed until it becomes necessary, the postmaster allowing a reasonable time for delivery at the train, or to the carrier on star routes.

625. Seven minutes are allowed for opening and closing the mails at all offices where no particular time is specified, but on railroad or steamboat routes there is to be no more delay than is necessary to deliver and receive the mails.

626. A post office delivery can only be closed during the opening of the mail when the clerical force is insufficient to attend to the incoming mail and the delivery at the same time. If closed at all, the delivery should be opened as soon as the mail is distributed.

627. Post offices should not be closed during meal hours.

628. Section 525, P. L. & R. 1879, instructs as to "business hours at a post office." The words "usual hours of business in the place" are held to mean the hours during which the principal business houses in the place are kept open.

629. Postmasters are not obliged to open, assort, and deliver the same evening a mail which arrives after 9 P. M., but there is nothing to prohibit their doing so if they feel so disposed.

(b.) *Postmasters and their Clerks.*

630. A postmaster must reside within the delivery of the post office to which he is appointed.

631. All members of a postmaster's family who are, in his absence, liable to be called upon to receive or deliver mail should take the assistant's oath.

632. Under no circumstances should an unsworn person be allowed to handle mail-matter in a post office.

633. An ex-postmaster should not be permitted to handle mail-matter in a post office, or change or carry the mail, unless he takes the oath anew.

634. Postmasters or their assistants must not act as mail carriers or messengers.

635. A sub-contractor should not be appointed clerk or assistant in a post office.

636. Clerks in post offices are appointed by the postmasters thereat without consultation with or interference by the Post Office Department. See sections 130, 131, and 413, P. L. & R. ed. 1879.

637. Section 16, P. L. & R., p. 151, ed. 1873, prohibiting the employment in post offices of persons under sixteen years of age, has been omitted from the new edition P. L. & R. 1879, for the reason that, as postmasters and their sureties are responsible for the acts of employees in post offices, they may select them without regard to age, and without consultation with the Post Office Department, except as provided in sections 131 and 413, P. L. & R.

638. Postmasters should understand that in the appointment of assistants, clerks, or other employees in their offices they must use the printed blank form of oath furnished by the Department. Written forms will not be accepted; if they have no printed blank forms on hand, they should apply for them to the Office of the First Assistant Postmaster General.

639. Clerks employed in money-order business must be paid out of the money-order commissions. No allowance will be made for such clerks out of postal funds.

(c.) *Postmarking.*

640. Section 379, P. L. & R. ed. of 1879, is amended to read as follows: "Allailable matter (except that of the second class) deposited in any post office for mailing or delivery must bear a postmark giving the name of the post office and an abbreviation of the name of the state (and on first-class matter the date of deposit); and all letters received from other offices or post offices for delivery or for redistribution to other offices or post offices must be postmarked on the reverse side with the date and, when possible, the hour on which they are received. But in the case of packages of letters from other offices or post offices, received to be forwarded intact to the post offices of final destination, the facing slips only will be postmarked at the post offices through which they pass. Missent matter of any class, received at any post office, must be stamped 'Missent,' and postmarked with the date of receipt before the same is forwarded to its proper destination."

641. The Postmaster General has declined to exempt any post office from the requirement of section 379, P. L. & R., relative to postmarking letters on the reverse side with

the date of receipt, deeming that whatever of inconvenience may be occasioned by the few minutes' delay then incurred is amply compensated by the certainty with which delay in transportation or in delivery may be detected by the postmaster showing the date of receipt as well as of dispatch, or of receipt at the mailing office. Postal cards must be so postmarked on the address side, and not on the side containing the communication. See ruling 55.

641 *a.* The Postmaster General insists that black printing ink must be used in post-marking. See ruling 329.

642. It is the intention of the law that the postmark on mail-matter shall bear the date of its deposit in a post office, and that the postage stamps affixed be canceled as soon after its deposit as possible.

643. The postmark on mail-matter is a very important feature thereof; but from the number of entirely illegible postmarks on matter received at the Post Office Department alone, it is evident that the fact is not taken into consideration by a large number of postmasters. They should read section 381, P. L. & R., and take care that every postmark is distinct enough to be correctly read.

644. Postmasters are forbidden to postmark postal cards on the side intended for the communication. The postmarks should be made only on the side intended for the address and so as not to interfere with the address.

645. On account of the value of impressions of daily postmarking and dating stamps as evidence, it is deemed best to require the record of such impressions to be preserved at least two years, after which period they may be sold as waste paper. See section 380, P. L. & R.

(*d.*) *Disposal of Waste Paper.*

646. The Order of July 1, paragraph 22, "Special Instructions to Postmasters," page 28, P. L. & R. 1879, directing postmasters to send to New York city all waste paper, twine, etc., collected in their offices, and Order No. 4, dated August 15, 1879 (page 7, United States Official Postal Guide for September, 1879), modifying the same, have been rescinded, and all postmasters, before the expiration of each quarter, should sell, at the highest prices obtainable, all waste paper and twine collected in their offices, enter the proceeds thereof in article 1 of the Quarterly Account Current (of the new form as prescribed by P. L. & R. 1879), and account for the same as other postal funds. The use of mail bags as receptacles for waste paper and office sweepings is prohibited.

647. The attention of postmasters is called to circular on page 624, Postal Guide, January, 1881; waste paper must be disposed of by postmasters at their own offices. No commissions will be allowed on sales made in any other way.

648. Waste paper embraces dead and unclaimed domestic printed matter (see section 480, P. L. & R.); used registered-package envelopes on hand one year (see section 891, P. L. & R.); applications for money-order and money-order addresses on hand four years (see section 1017, P. L. & R. ed. 1879); Postal Guides issued prior to No. 20; old lists of post offices, and any other useless paper.

649. The last three lines of section 891, P. L. & R. 1879, apply to all classes of waste paper and twine at post offices as well as to used registered-package envelopes.

650. Waste paper cannot be sent free by mail. When a postmaster sells waste paper to parties who desire to have it transported outside of the delivery of his office, such

parties must pay for the transportation. Section 891, P. L. & R., applies to all classes of waste paper and twine, as also used registered package envelopes.

(e.) *General Rules.*

651. Postmasters must not stop any matter in transit on the ground that it is insufficiently prepaid. Misdirected, destructive, and obscene matter, and all matter found loose in the mails, should, however, be detained by any postmaster into whose hands it may fall.

652. A postmaster cannot bring, or cause to be brought to his office for mailing, matter which would in the natural course of business be mailed at another post office, within the delivery of which the person sending the matter resides.

653. Postmasters are not authorized to change the address upon letters.

654. Postmasters cannot change an address nor deliver letters until they reach the post office to which they are addressed. They may then be forwarded if one full rate has been prepaid thereon.

655. Under no circumstances can a postmaster open any sealed package not addressed to himself.

656. Under no pretext whatever are letters in the custody of postal officials to be opened.

657. A postmaster must not stamp advertisements on matter passing through his office.

658. It is contrary to the rules of the Post Office Department for a postmaster to use his official signature to an advertisement of goods sold by him in his private capacity as a merchant, or as an indorsement of any person or thing.

659. Postmasters mailing deposits of coin and currency must wrap them in strong envelopes and register them. Postmasters will be held strictly responsible for losses incurred through neglect of this ruling.

660. In signing registered-package receipts, the record of arrivals and departures of railway mail employees, and indorsing registered-package envelopes, postmasters will hereafter take care to sign officially; that is to say, they will sign their names, in full, give title of postmaster, and the name of their post office and state.

661. The signature of the postmaster, referred to above, must be written; an impression from the office stamp will not be taken in place of a signature.

662. Business cards, circulars, hand-bills, or advertisements of any kind, bearing on private business enterprises, are prohibited from being placed on the walls, in the lobby, or on any portion of the premises rented by the Government for post office purposes.

663. The act of Congress providing for the issue of silver certificates makes them legal tender for "customs, taxes, and all public dues." They should, therefore, be received in payment for stamps, money-orders, box rents, etc.

XXIII. BOXES.

664. A postmaster has no right to assign any person a box free of rent.

665. There are no uniform rates charged for boxes in post offices. They are fixed by the Post Office Department when postmasters apply (to First Assistant Postmaster General) and advise what would be fair rates for their locality. When fixed by postmasters themselves, they are subject, of course, to revision by the Post Office Department in case of complaint.

666. Lock boxes put up in post offices by box-holders at their own expense, by permission of the postmaster, become the property of the United States, and are subject to the direction and control of the Post Office Department, and rent must be paid therefor.

667. In cases where a postmaster's predecessor has collected box rent for one year in advance, he must permit parties who can show receipts for such payment to continue to use their boxes for the time paid for. Under section 301, P. L. & R. 1789, postmasters cannot rent boxes for a longer term than three months.

668. A postmaster cannot assign the use of a box in his office to any person until the rent is paid for at least one quarter in advance.

669. The mail of persons holding boxes and refusing to pay box rent for one quarter in advance should be put in the general delivery.

670. Postmasters are expected, in a spirit of accommodation, to hand out mail to the owners of lock-boxes, or other persons entitled to receive it, who may have forgotten their keys.

671. Boxes in post offices are restricted to the use of one family, firm, or corporation. The employees of a firm or corporation may, by consent of such firm or corporation, have their mail put in their employer's box, provided it be addressed to their care, or to the box number; but in case the box will not contain all the mail, the box-holder must be notified to rent another box, or designate what portion of said mail must be placed in the general delivery.

672. A firm or corporation renting a box in a post office, have the right to have the mail of the members of the firm and their employees placed in said box.

673. The possession of a key to a lock box by the secretary of a company, the same having been delivered to him by a postmaster, either by authority or without objection from any of the other officers of the company, entitles the secretary to the letters; but in case of a disagreement among the officers and members of such company as to the person entitled to receive the mail, no delivery will be made except by means of the key.

674. If a person rents boxes at two post offices, his matter must be delivered by the office to which it is addressed.

675. A postmaster who is also a merchant has no right to the use of the boxes, or general delivery of his office, for the distribution of his bills, circulars, etc., unless he pays postage thereon at regular rates.

676. Official notices to box-holders may be placed in the boxes of any post office without being inclosed in penalty envelopes.

677. In reference to renting boxes or drawers to lottery companies, see ruling 370.

678. Sunday delivery cannot be restricted to box-holders. See ruling 425.

XXIV. MAIL BAGS.

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

679 a. It is apprehended that the Department has sustained extensive loss in canvas mail bags, used in the transmission of public documents from Washington to the resident places of members of Congress, in consequence of inattention, on the part of the postmasters at such places to the duty of seeing that all such bags are speedily emptied and restored to the mail service. They cannot be converted to private use without violation

of law, nor be laid aside or withheld from their legitimate use without serious detriment to the mail service. Postmasters are therefore requested to reclaim, collect, and forward to the postmaster at Washington, D. C., all canvas mail bags in their vicinity, ascertained to be in private use or withheld from the mail service; and, hereafter, to empty immediately, and return to the postmaster at Washington, all mail bags containing public documents, received for delivery from their offices, and not to permit bags to be conveyed away to the residence of a member of Congress, or any other person, except under such restrictions as will secure their being emptied and returned to their offices immediately. Particular attention is directed to section 5475, Revised Statutes of the United States, as follows:—

“ Any person who shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post Office Department, or who shall, *for any lucre, gain, or CONVENIENCE, appropriate* any such property to his own, or any other than its proper use, or who shall, for any lucre or gain, *CONVEY AWAY* any such property to the *hindrance or detriment of the public service*; if the value of the property be twenty-five dollars, or more, the offender shall be punishable *by imprisonment at hard labor for not more than three years*, and if the value of the property be less than twenty-five dollars, the offender shall be punishable *by imprisonment for not more than one year, or by a fine of not less than ten dollars and not more than two hundred dollars.*”

Each person in the service of the Department is expected to act as its agent in protecting its property and giving information of every instance of violation of the law quoted above which may become known to him, as the Department is determined to enforce the law with rigor. Postmasters are requested to communicate this ruling to all persons responsible for mail bags, and other property of the Department, with whom they may have intercourse, and to report every case where mail bags are abstracted or misused, and to collect proof to sustain a prosecution against the offender.

680. Pursuant to arrangements made between the Post Office Department of the United States and the Post Office Department of Canada, requiring each country to use bags belonging solely to it in dispatching mails, and, reciprocally, the prompt return, *empty*, of the bags received, all postmasters, agents, and employees of this Department are hereby prohibited from using any bags belonging to Canada, and are required to collect and forward, from time to time, all such bags found in the service to the nearest United States exchange post office, whence they are to be returned, *empty*, to Canada.

XXV RELATIONS OF POSTMASTERS WITH THE DEPARTMENT; OF THE DEPARTMENT WITH THE PUBLIC.

681. The attention of postmasters having to address the Post Office Department is called to notes preceding chapter on Organization in this issue of the Guide.

682. Postmasters writing to the Department should never include more than one subject in the same letter.

683. It is not customary for this Department to reply to inquiries of a hypothetical nature. Any statement of facts that may be submitted, however, will receive due consideration.

684. Any postmaster failing to do his duty should be reported to the First Assistant Postmaster General.

685. All postmasters are directed to report to the office of the First Assistant Postmaster General all failures on the part of mailing postmasters to rate up the postage due upon letters mailed with one or more three cent stamps attached, but not enough for full prepayment. *No report should be made of failure to rate up such letters post-marked by a railway post office or route agency, as employees of the railway mail service are not supplied with scales, and are not required to rate up letters handled by them; but postmasters receiving such letters should rate them up and collect deficient postage before delivery.*

686. The office of the Assistant Attorney General for the Post Office Department is solely for the purpose of advising the heads of bureaus therein. Postmasters and the public should not address communications to the Assistant Attorney General. The notes preceding chapter on "Organization" in this number of the Guide instruct that parties submitting questions relative to postal law, or rates of postage, should address them to the First Assistant Postmaster General.

687. It should be understood by all postmasters that their quarterly accounts must be made out and forwarded to the Auditor of the Treasury for this Department immediately after the close of every quarter, as required by section 1154 of the Postal Regulations. The delays in observing the requirements of this section that have heretofore in many instances occurred will no longer be tolerated. A failure in any case to carry out this order, unless promptly and satisfactorily explained, will be regarded as sufficient cause for removal from office.

688. Postmasters must not include the official "penalty envelopes" in their account of stamps canceled. They are entitled to include official stamps, but there is no provision in the law which would permit the count of any matter not having a postage stamp of some denomination affixed thereto, or impressed thereon, so that it may be canceled.

689. A postmaster who is also a justice of the peace cannot legally certify to his own quarterly returns.

690. When any person voluntarily deposits with a postmaster the amount of a penalty incurred under section 233, P. L. & R. 1879, it is the duty of the postmaster to report the fact of said receipt to the First Assistant Postmaster General, with the name of the person making the deposit, and the reason therefor, and he will debit himself with the amount upon his general postal account, and deposit the same in his own name, with the other postal funds in his possession, at the time prescribed for making his regular deposits. Money so received should not be entered upon the quarterly returns. See ruling 208.

691. The General Superintendent of Railway Mail Service is charged with the duty of seeing that the provisions of rulings and of chapters 9, 10, 11, and 12 of title II. of the Postal Laws and Regulations, edition of 1879, sections 367 to 430, inclusive, are observed by all postmasters. He will instruct division superintendents to inspect in person the post offices in their divisions and report to him, for the information of the Postmaster General, any violations of this ruling, or of any of the provisions of the chapters mentioned of the regulations, or of any orders which may be issued from his office, in accordance with section 383, Postal Laws and Regulations, edition of 1879. (Add to section 383.) Postmasters are required to comply with all instructions from division superintendents of railway mail service, given in pursuance of this ruling, as implicitly as though emanating directly from the Department. (Add to section 383.)

692. When the general public or officers or employees of the Post Office Department have cause to complain of irregularities in the receipt or dispatch of mails, they should address the division superintendent of railway mail service in charge of the division in which they reside, as shown by the assignment given at the head of the chapter on the Railway Mail Service. It will materially assist the officers of the Department in making a thorough investigation, if all envelopes covering delayed letters are inclosed at the time complaint is made.

693. All correspondence or other business, both foreign and domestic, relating wholly to matters of registration, or to the return or other treatment of unmailable and dead letters, or to the redemption or exchange of postage-stamps, — not, however, in any of such matters extending to or involving changes of postal conventions, — shall be conducted through the Office of the Third Assistant Postmaster General. All papers, therefore, coming into the possession of any other branch of the postal service, in connection with such business, must be referred, either entire, or by copies, or appropriate extracts, as circumstances may require, to that office.

694. All correspondence with foreign governments or administrations relating to alleged losses of mail-matter, of either domestic or foreign origin, shall hereafter be conducted through the Office of the Chief Post Office Inspector.

695. The officers, agents, and employees of the Post Office Department in the States of Missouri, Kansas, and Arkansas, and in the Indian Territory, are hereby directed to notify the Secretary of the Interior of any unlawful intrusion by whites upon the lands held by Indian tribes in the Indian Territory which may come to their notice, and also to impart to the Secretary of the Interior such information as they may receive regarding any contemplated trespass upon such land.

696. Section 698, P. L. & R., page 161, has been amended by adding the following: All mail keys returned to the Department should be securely inclosed in a sealed letter or package and duly registered in every case.

697. An application for appointment in the postal service must be prepaid by ordinary postage stamps. Postmasters applying for reappointment must prepay as stated above.

698. Upon the death, removal from the state, insolvency, or any other disability of one or more of the sureties upon a postmaster's official bond, the Post Office Department, for obvious reasons, invariably requires the postmaster to execute a new bond.

POSTAL LAWS AND REGULATIONS.

699. The Post Office Department has no power to modify a law of Congress.

700. The book of Postal Laws and Regulations and the United States Official Postal Guide are not published for general distribution; they are sent to all post offices, where they may be consulted by the public at its convenience.

701. The Post Office Department does not furnish copies of the Postal Laws and Regulations to private individuals.

702. The edition of Postal Laws and Regulations of 1879 superseded all rulings published in previous numbers of the Guide. A new series of the Guide commenced September 1, 1879, and all rulings, orders, and constructions of the laws and regulations published in this and subsequent numbers of the Guide should be entered promptly in the proper place in the book of laws and regulations. When it is unnecessary to enter the full text of the ruling, a note should be made referring to the place in the Guide where the ruling is to be found.

703. The general lists of post offices are published only once a year, in the January number, which contains, corrected to January 1 of each year, the general alphabetical list of post offices, the list of post offices by states arranged alphabetically, and the list of post offices by states and counties, together with other postal statistics, and a synopsis of all laws enacted, and of all rulings and orders made affecting the postal service issued since the publication of the last edition of the Postal Laws and Regulations. Postmasters should note such changes in their copies of the Postal Laws and Regulations.

704. During the fiscal year ending June 30, 1882, all postmasters and employees of the railway mail service will be supplied monthly, by the Department, with the United States Official Postal Guide, published by Houghton, Mifflin & Co., of Boston, Mass., as the only official organ of the Post Office Department.

705. The United States Official Postal Guide is furnished to postmasters and others in the postal service without expense to them.

706. The Postal Guide is now mailed to special agents, postmasters, and division superintendents of the railway mail service from Boston. Complaints should be made to the publishers, as well as to the Department, of any failure to receive it, by those entitled thereto.

707. The attention of postmasters is again called to the order of the Postmaster General relative to the United States Official Postal Guide reprinted on the second page of the Guide for January, 1880. The Guide is furnished without expense to the postmasters and others to whom it is sent, and every page of it should be examined before asking questions of the Department.

708. All copies of the Guide should be carefully filed by postmasters, as all letters asking information upon questions which have once been decided by the Department are answered by a reference to the Guide in which the decision was published.

709. Copies of the United States Official Postal Guide must be kept on file in all post offices, so that they can be readily referred to. The particular attention of postmasters is called to this rule, it being noticed that many are writing to the Department for information which is already printed in full in the Postal Guide.

710. Many communications are received at the Post Office Department from "acting" and "assistant" postmasters, asking questions the answers to which are to be found in the Postal Guide. Postmasters should not only read the monthly Guides as they come to them, but should require their subordinates to read them also.

711. Postmasters must preserve their copies of the Postal Guide for January, as many references thereto will be made.

712. Postmasters must not accept any statements relative to changes in or new rulings of the Post Office Department, except that they receive the same through the medium of the United States Official Postal Guide.

713. Where the orders and rulings of the Post Office Department, as published in the United States Official Postal Guide and Daily Bulletin, differ from the P. L. & R. 1879, they supersede said edition of 1879, and must be followed by all postmasters.

714. Each number of the Guide contains all important rulings and orders of the Department made since the publication of the previous number, which rulings are numbered consecutively from the beginning of the volume. * Each number contains a list of establishments, discontinuances, and changes of names of post offices, corrected from the date of the last January Guide up to the day of going to press, so that until the next publica-

tion of the general lists all necessary corrections can be made therein from the latest monthly number of the Guide.

RELATIONS OF THE DEPARTMENT TO THE PUBLIC.

715. To enable the Department to complete a list of local names of places which are not post offices, and of towns, etc., whose local names or names by which they are generally known are not the same as those of the post offices at which their mail is received, all postmasters are directed to report to the General Superintendent of Railway Mail Service a list of all such names of places, etc., within the delivery of their post offices. Managers of railroad and steamboat lines are requested to furnish the Department with a list of their stations and landings, with the names of the post offices at which their mail is received. The various business guides, atlases, etc., published for the information and guidance of business men, give the names of towns and villages regardless of their post office names. This is no doubt the principal cause of so great an amount of unknown and improperly addressed matter being found in the mails. The object of the Department in compiling this list is to enable the public to address their matter properly, so that it may reach its destination.

716. Complaints against postmasters, in order to receive any attention from the Department, must be distinct charges, made by some person or persons having actual knowledge of the facts in the case.

717. The Post Office Department or its revenues are not liable for the loss or damage of any mail-matter; but when any valuable matter is missing the Department will use its best efforts to assist the owner to recover the same. See ruling 620.

718. Under section 806, P. L. & R., the Post Office Department or its revenues are not liable for losses in the mails. Relief in such cases must come through an appropriation by Congress.

719. Copies of papers on the files of the Department will not be furnished on the application of individuals, except in cases where a suit is commenced and pending involving the substance of the paper or document itself, and then only on the certificate of counsel showing that such papers or documents are material as evidence in the trial or preparation for trial of the cause and stating wherein such materiality consists, with such other evidence as may be required by the Postmaster General and subject to his approval. But in no case will copies be furnished of the official bonds of officers connected with the service; except upon suits relating to the said bonds or the execution thereof, or criminal prosecutions thereunder.

XXVI. CLASSIFICATION OF POST OFFICES; APPOINTMENT AND SALARIES OF POSTMASTERS.

720. The classification of post offices is fixed by law, and the Postmaster General has no discretion in the premises.

721. Postmasters at fourth-class offices are appointed by the Postmaster General, and their term of tenure has no specified limit. First, second, and third class postmasters are appointed by the President, subject to confirmation by the Senate, and are commissioned for four years.

722. The Post Office Department has no authority to change a post office from the

fourth to the third class, and assign a fixed salary thereto, unless the Auditor has reported that the annual compensation of the postmaster, exclusive of commissions on money-order business, has amounted to one thousand dollars.

723. A member of a state legislature is not eligible to appointment as postmaster.

724. A postmaster must reside within the delivery of the post office to which he is appointed.

725. It is held to be adverse to good policy to appoint as postmaster the wife of any person who has a contract for carrying the mails.

726. The wife of a contractor is ineligible to the position of postmaster, but there is no objection to the appointment of the wife of a route agent.

727. An alien may be appointed postmaster, provided he has declared in proper form his intention to become a citizen of the United States and can take the oath as prescribed in section 24, P. L. & R.

728. Postmasters applying for reappointment must prepay such letters by ordinary postage stamps.

729. The Postmaster General has no authority to change the law respecting the compensation of postmasters. This matter is regulated by Congress, which alone makes and changes laws regulating postmasters' salaries.

730. Special readjustment of the salaries of postmasters of the first, second, and third classes will be made only on the application of the postmaster, based upon the quarterly returns to the Auditor for the Post Office Department, or copies or duplicates thereof, for the four quarters immediately preceding the readjustment; therefore, any returns which formed the basis of a previous adjustment cannot be considered in making such special readjustment.

731. The compensation of postmasters at offices of the fourth class is regulated by law, and the Post Office Department has no discretion in the matter.

732. Claims for part of salary alleged to be due postmasters, because not readjusted from time to time, are not recognized by this Department as valid, and no advice can be given as to the presentation or prosecution thereof.

733. The P. L. & R. make no provision for furniture (safe included), rent, fuel, or light at post offices of the third or fourth class.

734. The Post Office Department has no authority to execute a lease or make any allowance for rent at third or fourth class post offices.

735. There is no authority in law by which the Post Office Department can make an allowance to pay for furniture, stationery, or letter-boxes for use at offices of the third or fourth classes.

736. The Post Office Department has no authority to allow postmasters at offices of the fourth class any compensation other than the box rents and commissions, as specified in section 117, P. L. & R.

737. When a post office is located in a government building, any question of allowance for repairs of any description must be submitted to the Secretary of the Treasury.

738. There is no assessment upon postmasters for political purposes known to or recognized by the Post Office Department. The salary of a postmaster is fixed by law, and when he has earned and received it, no one but himself can direct the disposition thereof. He is at liberty to devote as much of it as he pleases to political purposes, and he may

refuse to pay anything therefor, without affecting his tenure of office, so long as he discharges faithfully the duties imposed upon him by the Laws and Regulations.

XXVII. VIOLATIONS OF POSTAL LAWS AND PENALTIES THEREFOR.

739. Violations of postal law should be promptly reported to the nearest United States district attorney, who should be furnished with all the evidence. Where only investigation is necessary observe instructions on page 632.

740. Section 1234, P. L. & R., prescribes the penalty attached to the act of opening by any person of a letter received from a post office not addressed to such person but intended for another. In such cases the facts should be stated to the nearest United States district attorney.

741. If the senders of any packages of third or fourth class of mail-matter should conceal a letter therein, such persons render themselves liable to a penalty of ten dollars. See section 233, P. L. & R. 1879.

742. There is no penalty for depositing in the mails a package closed against inspection, with only one cent in postage stamps affixed.

XXVIII. FOREIGN MATTER.

743. Section 1118, P. L. & R. ed. 1879, has been amended by adding at its close the words, "As fixed by the Paris Convention."

744. The order forbidding matter not addressed to a post office to be forwarded, does not apply to foreign matter. Such matter should be forwarded when its proper destination can be ascertained at the exchange office.

745. Complaint is sometimes made that postmasters have failed to acknowledge the receipt of letters from United States ministers and consuls in foreign countries, which failure the postmasters have attempted to excuse on the ground that stamps for return postage have not been furnished. This excuse betrays ignorance of postal law, as prepayment of letters is optional to Postal Union countries. Such letters, however, should be answered, the answers inclosed in penalty envelopes, and addressed to the minister, or consul, in care of the State Department at Washington, by which the letter will be forwarded to the country of destination.

746. Paragraph 17 of section 1132 has been extended to apply to cases where excessive postage on foreign matter has been rated up at the exchange post office and collected at the office of delivery. Credit for money so refunded will be obtained at offices of free delivery on the dead letter bill as directed in section 274 for "foreign letter forwarded," except that the postage-due bill should be indorsed, "Postage upon foreign letter overcharged refunded upon order of the Department, No. —, dated —, 18—." At other offices credit will be obtained by charging the amount as an expense under item 10 of the account current. The receipt of the person to whom the money is refunded and the order of the Department directing the payment should accompany the return as vouchers.

747. Section 1133 has been modified by inserting at the close of its fourth paragraph on page 281 the following: "But books received from countries or colonies of the Universal Postal Union, which are found to be dutiable, shall, when addressed to post offices other

than the exchange office of receipt, be promptly transmitted by mail to the addressees charged with the amounts of custom duties levied thereon, respectively, which amounts postmasters at the offices of destination will collect of the addressees on their delivery, and remit by first mail thereafter, under registration, to the collector of the customs of the district in which the exchange post office of receipt is situated; and in case of the refusal or neglect of addressees of such dutiable books to apply for them at the post office of destination within a period of thirty days from the date of their receipt at said office, and pay the customs duties and any postage charges levied thereon, the postmaster of said office will specially return the same to the collector of the customs of the aforementioned district. Postmasters are instructed to collect the customs duties on such books forwarded to their offices for delivering to addressees, and promptly remit the sums so collected by them to collectors of the customs in registered letters, using penalty envelopes and omitting the registration fee as for all other official matter, under section 812; but the postal revenues are not in any manner to be credited or charged with such duties."

748. The Postmaster General of Canada having informed the Department that United States publications termed "Police Gazettes," which are forbidden circulation in Canada on account of their obviously immoral tendencies, do, to some extent, escape such supervision as can be exercised over their introduction through the international mails, with a request that such measures be taken as will prevent the transmission of publications of this class in the mails sent from the United States into Canada, postmasters and other postal officers and employees must treat as unmailable matter all publications termed "Police Gazettes" which are addressed to the Dominion of Canada.

XXIX. AMENDMENTS TO POSTAL LAWS AND REGULATIONS.

749. In accordance with Order No. 30, page 33, August (1880) Guide, "Special Agents" are now known and designated as "Post Office Inspectors," and sections 5-18, 27, 110, 540, 563, 564, 570, 615, 644, 758, 769, 786, 789, 849, P. L. & R., are amended accordingly.

750. The words "under the direct supervision of the Law Clerk of the Department" in line 31 of section 27, P. L. & R. 1879, were stricken out by Order No. 41, page 36, November (1880) Guide.

751. The words "in the nature of personal correspondence" in paragraph 8, page 27, P. L. & R.; the same words in section 142, page 65; entire paragraphs 11 and 12, page 27, and section 232, page 81, have been stricken out by Order No. 45, page 10, March (1881) Guide.

752. In the third line of section 361, P. L. & R., "box-numbers" should be substituted for "box-holders." See paragraph 45 in chapter on Registry System.

753. Section 465, P. L. & R. 1879, has been amended to read as follows: "Sec. 465. *Return of other than First-Class Card and Request Matter.* Unregistered matter other than that of the first class cannot be returned free to the sender, even if a request to that effect be written or printed thereon, except first-class rates of postage be prepaid thereon. When, therefore, matter of other than the first class is deposited in a post office for mailing, bearing a printed request to return to the sender if not delivered, it shall be the duty of the postmaster to forward it *if fully prepaid*; but the postmaster at the office of delivery should, under no circumstances, unless postage for the return of the

matter shall be remitted to him, regard the request to return. If, however, the request to return is written, the postmaster at the office of mailing should retain it and notify the sender at once, by return of matter or otherwise, and call his attention to this regulation. Senders of matter other than first class are permitted and should be encouraged by postmasters to write or print upon parcels sent by them the following notice or the substance thereof to the postmaster at the post office of delivery, to wit: 'If not delivered within — days, the postmaster is requested to notify the sender, specifying the amount of postage which must be remitted to insure the return of the parcel to — (giving the name and address of the sender).' It is the duty of postmasters receiving matter with this request written or printed thereon to comply therewith as promptly as in the case of first-class matter; and such matter should be stamped as provided in section 461." See ruling 537.

754. In section 954, P. L. & R., last line, strike out the words, "can no longer be used," and substitute therefor the words, "leave the service." See paragraph 59 in chapter on Registry System.

755. Add the following to section 64: "*Disposition of Worthless Records.* The Postmaster General is hereby authorized to sell as waste paper or otherwise dispose of the files of papers which have accumulated, or may hereafter accumulate, in the Post Office Department, that are not needed in the transaction of current business, and have no permanent value or historical interest; and the proceeds of said sales he shall pay into the Treasury, and make report thereof to Congress." (Act March 3, 1881, 21 Stat. page 412.)

756. Section 214, Postal Laws and Regulations, 1879, is amended to read as follows: "Whenever the owner of any copyright granted by the United States, or his authorized representative, author, or publisher, shall make complaint to a postmaster that any domestic or foreign publication admitted to the mails is or has violated such copyright, such postmaster will cause such owner or representative to submit to him in writing the name of the publication thus offending, where the same is published, who are the agents for the same, if there be agents in the United States, and to accompany such statement with a certified copy of the title or description furnished such author or publisher by the Librarian of Congress." The postmaster will then forward such statement and certified copy to the First Assistant Postmaster General and await his instructions. Section 432, Postal Laws and Regulations, 1879, "Definition and Classification of Unmailable Matter," is amended by adding at the end of said section the following: "(i) Any publication which violates any copyright granted by the United States."

757. Section 605, P. L. & R. 1879, was amended by act of June 12, 1879 (see page 354, P. L. & R. 1879), so as to extend the time of temporary contracts for mail routes to one year.

758. Section 619 (R. S. 3961) was amended by the act of April 7, 1880 (Star Service Deficiency), 21 Stat. page 72, as follows: "Sec. 2. Provided that the Postmaster General shall not hereafter have the power to expedite the service under any contract, either now existing or hereafter given, to a rate of pay exceeding fifty per centum upon the contract as originally let."

759. Section 605, P. L. & R. 1879, was amended by the act of March 1, 1881, 21 Stat. page 375, as follows: "And whenever it shall become necessary to employ temporary service on any mail route, it shall be the duty of the Postmaster General to advertise for bids, or proposals for such service, by posting notices in the post offices at the ter-

mini of such route and upon a bulletin, in a public place in the Post Office Department building at Washington in the District of Columbia, for at least ten days prior to such letting."

760. Section 632, page 150, P. L. & R. 1879, has been amended by adding the following:—

"Provided, that in case any railroad company fail or refuse to provide railway post office cars when required by the Post Office Department, said company shall have its pay reduced ten per centum on the rates fixed in section 4002, R. S., as amended by act of June 12, 1876, entitled, . . . (section 635, P. L. & R.), and as further amended by act of June 17, 1878, entitled, . . . (section 636, P. L. & R.); and section five of the act entitled "An act making appropriations, . . . approved March 3, 1879 (section 670, P. L. & R.), be and the same is hereby repealed." (Act of June 11, 1880, 21 Stat. page 178.) — [10 and 5 and 10 per cent. off = 23.05 per cent.]

"And hereafter when any railroad company fail or refuse to provide railway post office cars, when required by the Post Office Department, or shall fail or refuse to provide suitable safety-heaters and safety-lamps therefor, with such number of saws and axes to each car for use in case of accident, as may be required by the Post Office Department, said company shall have its pay reduced ten per centum on the rates fixed in section four thousand and two of the Revised Statutes (R. S. § 4002) as amended by act of June 12, 1876, entitled, . . . (section 635, P. L. & R.), and as further amended by an act of June 17, 1878, entitled, . . . (section 636, P. L. & R.)." (Act of March 1, 1881, 21 Stat. pages 375, 376.) — [10 and 5 and 10 per cent off. = 23.05 per cent.]

761. For other amendments to the Postal Laws and Regulations, edition of 1879, see paragraph 10, page 646; paragraph 29, page 654; paragraph 33, page 655; paragraph 43, page 656; paragraph 45, page 657; paragraph 1, § II., page 675; paragraph 16, page 677; paragraph 57, page 683; Rulings 81, 157, 166, 184, 261, 262, 366, 383, 399, 417, 442, 446, 479, 550, 551, 571, 640, 646, 691, 696, 743, 746, 747.

LIST OF OPINIONS GIVEN BY THE ASSISTANT ATTORNEY GENERAL FOR THE POST OFFICE DEPARTMENT.

CONTINUED FROM PAGE 350, P. L. & R., ED. 1879.

- No.
167. Leadville, Colo., and Bradford, Pa. Extraordinary increase in business of post office. Extra allowance for clerical service can be made. July 16, 1879.
 168. Steamboat letters. Rates of postage thereon. August 2, 1879.
 169. United States Official Postal Guide. Construction of memorandum of agreement with Houghton, Osgood & Co. August 5, 1879.
 170. Private expresses. Carriage of certain kind of letters by Mississippi River steamboats. August 6, 1879.
 171. Penalty envelopes. Joint commission Washington Monument. August 12, 1879.
 172. Allison & Hearn. Application for revocation of order of June 21, 1879. August 14, 1879.
 173. Stipulation to repair in lease of post office. Verbal notice not sufficient. August 15, 1879.
 174. Francis H. Hearn. What constitutes legal indorsement of money-orders payable to fictitious names. August 19, 1879.