

US Postal Laws & Regulations

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Advertised



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The matter so required to be delivered is the following :

1. Matter in its form and 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.

2. Matter in excess of lawful weight, postage being paid for its full weight.

But the postmaster should report the facts, date and office of mailing, in both cases, to the First Assistant Postmaster-General.

The matter declared non-mailable by Revised Statutes, sections 3893, as amended, and 3894, and not deliverable, is :

1. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, writing, print, or other publication of an indecent character.

2. Every article or thing designed or intended for the prevention of conception or procuring an abortion.

3. Every article or thing intended or adapted for any indecent or immoral use.

4. Every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means, any of the hereinbefore mentioned matters, articles, or things may be obtained or made.

5. 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. (See section 380.)

6. Matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

The regulation for the disposal of undeliverable unmailable matter is given in sections 433, 523, 529, 530, 546, and 609.

FOR INSTRUCTIONS AS TO DELIVERY BY CARRIERS, see sections 647-661.

ADVERTISEMENT OF NON-DELIVERED LETTERS, ETC.

Sec. 582. How to be Advertised.—The Postmaster-General may direct the publication of the list of non-delivered letters at any post-office by a written list posted in some public place, or, when he shall deem it for the public interest, he may direct the publication of such list in the daily or weekly newspaper regularly published within the post-office delivery which has the largest circulation within such delivery; and where no daily paper is published within the post-office delivery, such list may be published in the daily newspaper of any adjoining delivery having the largest circulation within the delivery of the post-office publishing the list; and in case of dispute as to the circulation of competing newspapers, the postmaster shall receive evidence and decide upon the fact. Such list shall be published as frequently as the Post-

master-General may deem proper, but not oftener than once a week. (R. S., § 3930.)

A postmaster is not liable to suit by the publisher of a newspaper for refusing to give to him the publication of the list of letters uncalled for, even though he acted maliciously. A public duty is not enforceable by a private action, except when it has been specifically given by statute. (*Foster v. McKibben*, 14 Pa. St. R., 168; also *Strong v. Campbell*, 11 Barb., 135.)

In *United States ex rel. v. Smallwood*, Judge Durriel held that under the acts of 1845 and 1863 (containing substantially these provisions) the publication was in the discretion of the Postmaster-General, but when the discretion is once exercised and publication ordered, it must be through the columns of the paper having the largest circulation within the delivery of the post-office. (2 Am. Law Times Reports, 109.)

Sec. 583. Advertising Foreign Letters.—The list of non-delivered letters addressed to foreign-born persons may be published in a newspaper printed in the language most used by them, which shall be selected in the manner prescribed in the preceding section. (R. S., § 3931.)

Sec. 584. Pay for Advertising.—The compensation for publishing the list of non-delivered letters shall in no case exceed one cent for each letter so published. (R. S., § 3934.)

No expense must be incurred for such advertising, unless first specially authorized by the Department.

Sec. 585. Gratuitous Advertisements.—If the publisher of any newspaper offer to publish such advertised list gratuitously, the postmaster must furnish a copy for the purpose on the days when lists are given out for advertising; and if more than one publisher offer, a copy must be furnished to each simultaneously.

Sec. 586. Posting List of Advertised Letters.—Every postmaster shall post, in a conspicuous place in his office, a copy of each list of non-delivered letters immediately after its publication. (R. S., § 3933.)

Sec. 587. Manner of Posting Lists.—The posting of the advertisement must be by placing one or more printed or manuscript lists of the names of the persons to whom such matter is addressed, the names to be arranged alphabetically, and, when in considerable number, the names of ladies and gentlemen to be in separate lists. Third and fourth class matter should be in a separate list from the letters, with appropriate headings. Care should be taken that the names as given in the lists correspond precisely with the addresses.

Sec. 588. When to Advertise.—At post-offices of the fourth class matter should be advertised monthly and as near the first day of the month as practicable; at all other post-offices, weekly, and when practicable on the first day of the week.

Sec. 589. What to be Advertised.—All unclaimed matter of the first class, including letters and other matter returned from the Dead-Letter

Sec. 306. Notice, when no Dead Matter to be Sent.—When it happens that there is no matter of any kind to be sent to the Dead-Letter Office at the proper time for making the return of such matter, a statement (Form 1523) properly headed and dated, and the words **NO MATTER TO SEND** noted thereon, should be sent to the Dead-Letter Office.

Sec. 307. Returns of Unclaimed Matter; how Made up and Transmitted.—In making up returns to be sent to the Dead-Letter Office the following directions will be observed, namely:

1. Every piece of mail-matter should be postmarked by stamp or hand with the name of the post-office and the date of sending to the Dead-Letter Office.

2. Each class of matter should be arranged separately and duly entered on the dead-letter bill (Form 1523) under its proper heading.

3. The bill and the copy of the advertised list must be sent with every return, not tied outside or inclosed in a separate envelope.

4. The advertised list so sent should give the name of the post-office, State, and date of advertising.

5. All matter delivered or otherwise disposed of since advertising should be indicated by a mark drawn through the name on the list.

6. A manuscript list of each piece of third-class matter of obvious value, and of all fourth-class matter, whether advertised or not, should be sent with such matter. For convenience this list may be made on a blank (Form 1522) for unmailable, changing the word **UNMAILABLE** to **UNCLAIMED**.

7. The whole return should be wrapped and securely tied in one parcel and plainly addressed, **DEAD-LETTER OFFICE, WASHINGTON, D. C.** It should also be indorsed, "**RETURN OF UNCLAIMED MATTER FROM**" (here add name of post-office). A penalty envelope may be used for the address label, but must be fastened securely to the parcel. If there be third or fourth class matter to accompany the return in too great quantity to tie the whole in one parcel, a pouch must be used so that all the matter will be received together.

8. Hotel and fictitious matter must be entered on a list (Form 1522½) and sent separately from other unclaimed matter.

9. Post-offices of the fourth class will use dead-letter bills (Form 1523) printed on white paper. Free-delivery offices will use the special form printed for them on blue paper and will register their returns. All other offices will use forms provided for them printed on yellow paper.

Sec. 308. Returns of Unmailable Matter; when Made.—Unmailable matter must not be held over to be advertised. Post-offices of the first class must make daily, and all other post-offices weekly, returns to the Dead-Letter Office of all unmailable matter deposited therein for mail-