

US Postal Laws & Regulations

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Year: 1887

First-class mail matter



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TITLE III.
MAIL MATTER.

CHAPTER ELEVEN.

OF DOMESTIC MAIL MATTER; ITS CLASSIFICATION AND RATES
OF POSTAGE.

Sec. 319. Classification.—That mailable matter shall be divided into four classes:

First. Written matter.

Second. Periodical publications.

Third. Miscellaneous printed matter.

Fourth. Merchandise. (Act of March 3, 1879, § 7, 20 Stat., 358.)

Sec. 320. Prepayment of Postage.—Postage on all mail matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for. (R. S., § 3896.) But if any mail matter, on which by law the postage is required to be prepaid at the mailing office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery. (R. S., § 3898.)

The rule of the statutes is prepayment on all mail matter not free, except soldiers', sailors', and marines' letters. (Sections 322 and 323.) But first-class matter will be dispatched if at least two cents in stamps, one full rate, be affixed or impressed, and the residue of the postage will be collected of the addressee before delivery. Drop letters may also be dispatched under section three hundred and twenty-six. No matter of any other class should be dispatched without such prepayment: but should any matter happen to be sent without prepayment, double the unpaid postage must be collected before delivery. (See section 558.)

FIRST-CLASS MATTER.

Sec. 321. Defined.—Mailable matter of the first class shall embrace letters, postal cards, and all matter wholly or partly in writing, except as hereinafter provided. (Act of March 3, 1879, § 8, 20 Stats., 358.)

The exception relates chiefly to third-class matter.

Sec. 322. First-Class Postage.—That on mailable matter of the first class, except postal cards and drop letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof; postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture; and drop letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established. The Postmaster-General may, however, provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery. (Act of March 3, 1879, § 9, 20 Stats., 358.)

And upon all matter of the first class, as defined by chapter one hundred and eighty of the laws of Congress approved March third, eighteen hundred and seventy-nine, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," and by that act declared subject to postage at the rate of three cents for each half ounce or fraction thereof, postage shall be charged, on and after the first day of October, A. D. eighteen hundred and eighty-three, at the rate of two cents for each half ounce or fraction thereof; and all acts, so far as they fix a different rate of postage than herein provided upon such first-class matter, are, to that extent, hereby repealed. (Act of March 3, 1883, 22 Stats., 455.)

That upon all matter of the first class, as defined by chapter one hundred and eighty of the laws of Congress approved March third, eighteen hundred and seventy-nine, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," and by that act declared subject to postage at the rate of three cents for each half ounce or fraction thereof and reduced by the act of March third, eighteen hundred and eighty-three, to two cents for each half ounce or fraction thereof, postage shall be charged, on and after the first day of July, eighteen hundred and eighty-five, at the rate of two cents for each ounce or fraction thereof; and drop letters shall be mailed at the rate of two cents per ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each ounce or fraction thereof where free delivery by carrier is not established. (Act of March 3, 1885, 23 Stats., 386.)

Sec. 323. Soldiers', Sailors', and Marines' Letters.—Letters written by officers, commissioned or non-commissioned, and privates in the military, naval, or marine service of the United States, to be transmitted unpaid

must be plainly marked "Soldier's Letter," "Sailor's Letter," or Marine's Letter," as the case may be, and signed thereunder with his name and official designation by a field or staff officer, post or detachment commander to whose command the soldier belongs, or by a surgeon or chaplain at a hospital where he may be; and in the navy and marine service, by the officer in command of the vessel, or surgeon on board, or officer commanding a naval hospital or detachment on shore. Letters so certified will be forwarded charged with postage due at single rates only, to be collected on delivery.

Sec. 324. Postal Cards cannot be issued by private parties. Cards, other than those issued by the Department, containing any writing, are subject to letter postage; but if they contain only printed matter, so as to constitute a circular, but one cent is required on each.

No printing or writing other than the address is allowable upon the address side, nor may anything except an address label be pasted or attached to any postal card. The words "to be called for," or any proper description of the person or place addressed, may be written thereon as part of the address. Any other writing, mark, or seal placed on the address side, or the splitting of the card and writing on the inside, renders it unmailable, except at letter rates. A postal card once delivered cannot be remailed as such.

Postal cards are first-class matter, and may be forwarded on request, and they should be returned to the writer from the office of address when unclaimed; but no request for such return should be placed on the address side.

Postmasters must treat postal cards as sealed letters, and refrain from reading the messages written thereon, except in order to return the cards to the writer when unclaimed, and except that their contents may be read if they appear to be unmailable because they contain obscene matter or relate to lotteries. (See sections 379 and 380.)

Sec. 325. Addresses, how made.—And addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto at the option of the sender. (Act of July 12, 1876, from § 15, 19 Stats., 82.)

Sec. 326. Drop Letters.— * * * But in large cities and adjacent districts of dense population, having two or more post-offices within a distance of three miles of each other, any letter mailed at one of such offices and addressed to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local-letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery. (R. S., § 3937, second sentence.)

A "drop letter" is one addressed for delivery to a person within the

delivery of the office at which it is posted. Such a letter is first-class matter and should be returned to the writer, if unclaimed, the same as any other. It cannot be forwarded on request, unless one full rate, two cents, be paid thereon, except within the distance of three miles as above provided. (See, however, section 322, last part.)

SECOND-CLASS MATTER.

Sec. 327. General Definition.—Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections twelve and fourteen. (Act of March 3, 1879, § 10, 20 Stats., 359.)

The sections referred to are 343 and 328.

Second-class matter above described is of two kinds :

1. That sent by publishers or news agents.
2. That sent by others than publishers or news agents. (Section 351.)

Sec. 328. Statutory Characteristics.—That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be 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 substantial 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. (Act of March 3, 1879, § 14, 20 Stats., 359.)

Sec. 329. Regularity of Issue.—The regular periods of issue must be shown by the publication itself and be within the statute. Annuals and semi-annuals are third-class matter. And it is only matter mailed at or about the time of its regular publication which is entitled to second-class rates. Old copies of newspapers or periodicals published at prior times must pay the rate prescribed in section three hundred and fifty-one, except that back numbers may be sent to regular subscribers at the pound rate.

An admissible publication may change the periods of issue, as from monthly to weekly, weekly to daily, or *vice versa*, but on such change

ties, from soliciting or receiving, directly or indirectly, or being concerned in soliciting or receiving any assessments, subscriptions, or contributions for political purposes from any officer, clerk, or employé in the service of the United States; and it is forbidden to any person to solicit or receive money or other thing of value for political purposes in any post-office or other room or building occupied by any officer of the United States for the discharge of official duties; and postmasters will be held responsible for its prevention. Postmasters and their assistants or employés are forbidden to discharge, promote, or degrade, or change the rank or compensation of any officer or employé, or to threaten so to do, for giving or refusing to give any contribution of money or other valuable thing for any political purpose. It is also forbidden to any officer, clerk, or employé of the United States to give or hand over such contribution to any other officer, clerk, or person in the service of the United States. (Sections 78 to 81.)

CHAPTER EIGHTEEN.

OF THE TREATMENT OF MAIL MATTER IN POST-OFFICES.

GENERAL PROVISIONS.

Sec. 506. **Privacy of First-Class Mail Matter.**—The statutes defining crimes against the Post-Office establishment admonish every person in the postal service of the absolute sanctity of a seal. Under no circumstances will any person in the postal service, except those employed for that purpose in the Dead-Letter Office, break or permit to be broken the seal of any letter or packet, while it is in custody of the postal service. Neither postmasters, inspectors, employés of the Department, nor officers of the law, without legal warrant therefor, have authority to open a sealed letter while in the mails, under any pretext; that it may contain improper or criminal matter, or furnish evidence for the conviction of offenders, is no excuse. (See sections 1447 and 1448.)

NOTE.—The inviolability of the seal is very clearly declared in a decision of the Supreme Court of the United States, in *ex parte Jackson*, 96 U. S., 733, thus: "A distinction is to be made between different kinds of mail matter—between what is intended to be kept free from inspection, such as letters and sealed packages subject to letter postage, and what is open to inspection, such as newspapers, magazines, pamphlets, and other printed matter, purposely left in condition to be examined. Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles. The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches