

US Postal Laws & Regulations

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Fraudulent



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cess of the weight or size fixed by treaty stipulation as the maximum for such matter.

9. Such matter as is addressed to foreign countries contrary to regulations for transmission thereto.

10. Any publication which violates any copyright granted by the United States. (See section 341.)

Sec. 379. Letters and Circulars Concerning Lotteries, &c.—No letter or circular concerning [illegal] 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. (R. S., § 3894.)

That section thirty-eight hundred and ninety-four of the Revised Statutes be, and is hereby, amended by striking out the word "illegal" in the first line of said section. (Act of July 12, 1876, § 2, 19 Stats., 90.)

NOTE.—Letters and circulars known, and not merely suspected or supposed, to be concerning lotteries are non-mailable. Unsealed circulars may by inspection be known to concern lotteries or not, and when so known may properly be withheld from the mails as prohibited matter, and so may letters, if *known* to concern lotteries. When letters are addressed to lotteries, lottery associations, or persons described in the address as the agents of lotteries or similar schemes, postmasters cannot lawfully withdraw them from the mails as concerning lotteries, as it does not follow and cannot be assumed that such letters concern lotteries. Nor can postmasters refuse to forward registered letters or parcels addressed to such lotteries or agents, or sell money-orders payable to them or their order.

Newspapers containing advertisements of lottery schemes or drawings are not thereby rendered unmailable, as they are not circulars. (Opinion of Attorney-General, December 16, 1885.)

It was only lottery dealers who were in the mind of Congress as sending out letters concerning lotteries, and not the occasional and individual buyer of lottery tickets; and the person who mails a letter to a dealer ordering tickets does not thereby violate the statute. (*United States v. Mason*, 22 Fed. Rep., 707.) A lottery ticket is not a letter within the meaning of the statute, but a schedule printed on the back of all lottery tickets sent out for a particular drawing is a circular. (*United States v. Clark*, 22 Fed. Rep., 708.)

Sec. 380. Obscene Matter.—Every obscene, lewd, or lascivious book, pamphlet, picture, paper, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where or

If there be no such person, the matter should be retained, and the same action taken as that required by the preceding section.

NOTE.—Reference is here made to sections 566 and following of these regulations, concerning the delivery of ordinary mail matter, which will govern in all cases where there can be no question as to their applicability to registered matter.

Sec. 1129. Mail Matter not Subject to Attachment or Garnishment.—A registered letter or parcel, or any mail matter, is not subject to attachment, garnishment, trustee process, or levy upon execution, while in the hands of a postmaster or postal employé, after deposit in a post-office and before delivery to the person addressed. It is deemed, while in possession of the officials of the postal service, to be in the custody of the law. Postmasters, railway postal clerks, and letter carriers will therefore refuse to give up registered or other mail matter in their possession, upon the demand of sheriffs or constables presenting legal process and seeking to levy on such mail matter in postal custody. They will make answer to any garnishee or similar process served upon them for reaching such mail matter, setting forth their official character, and that the mail matter came to their hands, according to the facts, by virtue of their official authority, and was delivered or transmitted in accordance with their duty in respect thereto.

RETURN OR RECALL OF REGISTERED MATTER.

Sec. 1130. Order for Return, Marked Fraudulent.—The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post-offices at which registered letters arrive directed to any such person to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word "fraudulent" plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. (R. S., § 3929.)

Sec. 1131. Matter not to be Treated as "Fraudulent" without express Order.—Registered matter is not to be marked "Fraudulent" and returned to sender by any postmaster, unless he has express order directed to the postmaster at his office, from the Postmaster-General, instruct-

ing him to make such disposal of the letters to such address. An order directed to the postmaster at one post-office to return registered letters as fraudulent does not authorize the postmaster at another office to take similar action upon letters arriving at his office addressed to the same persons or concerns. The order is not general to all postmasters, but special to particular postmasters.

Sec. 1132. Fraudulent Matter to be Returned without Charge of Postage or Fee.—Registered matter fully prepaid at first-class rates, the return of which has been ordered under section one thousand one hundred and thirty, shall be returned without additional charge for postage or registry fee.

Sec. 1133. Recall of Matter.—After a registered letter or other registered matter has been transmitted from the mailing post-office, it cannot be recalled by the sender, except by special permission of the Department, or as provided in sections five hundred and thirty-three. The following directions must be observed in recalling registered matter:

1. Applications for such recall must state all the facts in detail, and be at once sent by the mailing postmaster to the office of the Third Assistant Postmaster-General.

2. In extreme cases, or where immediate action is necessary, the postmaster may also, at the expense of the sender, telegraph a request to the postmaster at the office of destination to hold the registered article in question until the decision of the Department shall be obtained, which request must in all cases be complied with. Where an application to withhold delivery is thus made direct to the delivering postmaster, he must immediately notify the Third Assistant Postmaster-General of it, and await instructions.

3. In the case of third or fourth class matter specially returned, the sender must be required by the postmaster at the mailing office to pay the return postage.

4. Before dispatch a registered letter can be reclaimed by the sender in the manner prescribed in section five hundred and thirty-one. The sender will return the registration receipt indorsed with his name, which the postmaster will paste opposite the entry in the registration book, indorsing the entry, "RETURNED TO WRITER BY ME (*giving date*), ———, P. M." The registered letter, before return, must be indorsed, "WITHDRAWN BY WRITER FROM ——— P. O. (*date*), ———, P. M."

Sec. 1134. Return of Undelivered Matter to Mailing Office.—The following rules will govern the return of undelivered registered matter:

1. If any domestic registered matter cannot be delivered within thirty