

US Postal Laws & Regulations

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Free matter



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MAILS WITH OTHER FOREIGN COUNTRIES.

Sec. 408. Rates Published in Official Guide.—The classification of mail matter for countries of the second class mentioned in section three hundred and eighty-nine, is the same as within the Universal Postal Union. For countries of the third class, the classification of matter is indicated in section three hundred and ninety. The rates of postage for all these countries, being dependent in the one case on the intermediary, and in the other case on orders of the Postmaster-General, cannot be defined by regulation and are subject to frequent change. The current governing rates on the various articles of mailable matter to such countries will be published to postmasters through the Official Guide, and must in all cases be fully prepaid or the articles refused mailing.

Special rates may be imposed in certain cases between countries of the Universal Postal Union. When so imposed, the rates will be published to postmasters in like manner.

Postmasters will carefully observe the table of special rates published in the Official Postal Guide, and exact prepayment of all such special rates.

Full payment of postage on all foreign mail matter secures cheaper postage in all cases when not compulsory, and should be encouraged by postmasters whenever advice or information may be afforded by them to senders of such matter.

CHAPTER THIRTEEN.

OF FREE MATTER.

OF MATTER TO BE FRANKED.

Sec. 409. Congressional Documents.—That from and after the passage of this act, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December, following the expiration of their respective terms of office. (Act of March 3, 1879, part of §1; 20 Stats., 356.)

Sec. 410. Congressional Record.—That from and after the passage of

this act the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe. (Act of March 3, 1875, part of § 5; 18 Stats., 343.)

Sec. 411. Seeds and Agricultural Reports.—That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as members and Delegates. (Act of March 3, 1875, § 7; 18 Stats., 343).

Sec. 412. Special Grants of Franking Privilege.—All mail matter carried to the following-named persons, or sent by them under their respective written autograph signatures, will, in pursuance of the acts respectively referred to, be conveyed free of postage during their respective natural lives, namely:

Sarah Polk, widow of the late President James K. Polk, by an act of January 10, 1850; 9 Stats., 421.

Lucretia R. Garfield, by act of December 20, 1881 (22 Stats., 1).

Julia D. Grant, widow of the late President Ulysses S. Grant, by act of June 28, 1886 (24 Stats., —.)

No signature or mark is necessary to the free carriage of mail matter to either of the above-named persons. The address is sufficient.

Sec. 413. Regulations of Franking Privilege.—No matter can be transported under the franking privilege unless admissible to the mails under the provisions of chapter eleven. To entitle to free carriage the word "free" should be printed or written and signed with the name and official designation, if any, of the person entitled to frank it, on the address face of the package, except in case of matter addressed to the persons named in the preceding sections. In the case of the Congressional Record the name of the Senator, member, or Delegate must be written by himself; in other cases the name may be written by any one duly deputed by him for that purpose. A Senator, member, or Delegate who holds his certificate of election is entitled to the franking privilege from the commencement of his term.

All franked matter may be forwarded like any other, but such matter, when once delivered to the addressee, cannot be remailed unless properly franked again. A bulk package of franked articles may be sent

to one addressee, who, on receiving and opening the package, may place addresses on the franked articles and remail them for carriage and delivery to the respective addresses.

Sec. 414. Census Matter.—That the Superintendent [of Census], 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 clerk, who shall use or exercise this privilege for any other 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 not exceeding one hundred dollars. (Act of March 3, 1879, § 16; 20 Stats., 477.)

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. (Act of April 20, 1880, § 1; 21 Stats., 75.)

OFFICIAL MATTER.

Sec. 415. Official or Penalty Envelopes.—That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official Business," an indorsement showing also the name of the Department, and if from a Bureau or office, the names of the Department and Bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope 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. (Act of March 3, 1877, § 5; 19 Stats., 335.)

That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to

provide for itself and its subordinate offices the necessary envelopes, and in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon. (Act of March 3, 1877, § 6; 19 Stats., 336.)

The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March third, eighteen hundred and seventy-seven, for the transmission of official mail matter, be, and they are hereby extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter of the Smithsonian Institution: *Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and indorsements relating thereto: *Provided further*, That any letter or packet to be registered by either of the Executive Departments, or Bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed to either of said Departments or Bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional, such letter or package shall be returned to the sender: *Provided further*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postages. And section thirty-nine hundred and fifteen of the Revised Statutes of the United States, so far as the same relates to stamps and stamped envelopes for official purposes, is hereby repealed. (Act of July 5, 1884, § 3; 23 Stats., 158.)

And it shall be the duty of the respective Departments to inclose to Senators, Representatives, and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence. (Act of March 3, 1883, part of § 2, 22 Stats., 563.)

Sec. 416. Regulations as to Use of Penalty Envelopes.—1. The name of the Department, and Bureau, office, or proper designation of the office or officer, from whence transmitted, and thereunder the words "Official Business" should be printed on the upper left-hand corner of the ad-

dress face of the envelope, and the penalty clause in the upper right-hand corner in the following or equivalent words :

This envelope is for use only by authorized persons on business of the Government. Its use to avoid payment of postage on private matter of any kind is punishable as a misdemeanor by a fine of \$300.

2. Persons, not officers, writing to the Departments or to officers of the United States concerning the business of the writers with the Government cannot use the penalty envelope to transmit their correspondence; hence officers authorized to use such envelopes should not furnish them for use to contractors with the Government. Collectors of internal revenue and their deputies have no authority to furnish them to taxpayers to be used in sending their reports or in applying for stamps.

3. Officers desiring official information from or through persons not officers can furnish the penalty envelopes to cover the same only with return address printed or written thereon. Where the information is to be forwarded periodically or on more than one occasion, the envelopes bearing printed return address may be furnished in quantities for the transmission of such information.

4. The right of an officer of the United States to use the penalty envelope ceases immediately upon his going out of office; and he is not authorized to use such envelopes in transmitting papers connected with the settlement of his accounts or other business pertaining to the office he has vacated, except as he may receive them with requests for official information, with return address thereon, from a Department or office of the Government.

(Opinion of the Attorney-General, May 2, 1885.)

5. Postmasters have no right to stop census matter or any mail matter in an official-penalty envelope upon the mere suspicion that the penalty envelope or census indorsement is being used to cover private matter; but if they have good reason to believe that any person is using official envelopes in violation of law, he should promptly report the case to the Department for investigation.

MAIL MATTER OF AGRICULTURAL COLLEGES, ETC.

Sec. 417. Reports of Agricultural Colleges, &c.—The act of Congress approved July 2, 1862, 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." (§ 5; 12 Stats., 505.)

Pursuant to the above provision, postmasters at offices where such colleges have been established and are in existence will receive from the officers thereof the report required by the statute addressed, one copy each, to such other colleges and to the Secretary of the Interior, and affix to each a penalty label or official envelope of the post-office, and forward the same free.

Sec. 418. Reports of Agricultural Experimental Stations, &c.—That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, 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," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station": *Provided*, That in any State or Territory in which two such colleges have been, or may be, so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct. (Act of March 2, 1887, § 1; 24 Stats., 440.)

That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made, to such separate agricultural college, or school, and no legislature shall by contract express or implied disable itself from so doing. (Act of March 2, 1887, § 8; 24 Stats., 441.)

That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe. (Act of March 2, 1887, § 4, 24 Stats., 441.)

Sec. 419. Regulations for Free Transmission of Bulletins and Reports, under the preceding statute, are prescribed as follows :

1. Any claimant of the privilege must apply for authority to exercise it to the Postmaster-General, stating the date of the establishment of such station, its proper name or designation, its official organization and the names of its officers, the name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other granting it the benefits of the provision made by Congress as aforesaid (accompanied by a copy of the act or acts), and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege ; and also the place of its location and the name of the post-office where the bulletins and reports will be mailed. The application must be signed by the officer in charge of the station.

2. If such application be allowed after examination by the Department, the postmaster at the proper office will be instructed to admit such bulletins and reports to the mails in compliance with these regulations, and the officer in charge of the station will be notified thereof.

3. Only such bulletins or reports as shall have been issued after the station became entitled to the benefits of the act can be so transmitted free ; and they must be inclosed in unsealed envelopes, or so wrapped as to admit of easy and thorough examination. On the exterior of the envelope or wrapper must be written or printed the name of the station and the place of its location, the designation of the inclosed bulletin or report, and the word "FREE" over the autograph signature of the officer in charge of the station. No other person can frank them. If any other matter, printed or written, be added, the whole will be unmailable free.

4. The bulletins may be mailed to the stations, newspapers, or persons to whom they are by the foregoing act authorized to be sent, and the annual reports to any address within the United States.

COPYRIGHT BOOKS, ETC.

Sec. 420. Postmaster to Receive and Mail, when.—The statutes require that any citizen or resident who seeks a copyright as author, inventor, designer, or proprietor (or as his personal representative or assignee) of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, shall deliver to the Librarian of Congress, or deposit in the mail addressed to him, at Washington, District of Columbia, before publication, a printed copy of the title of the book or other article, or a description of the painting, &c.; and, after publication, two copies of the copyright book or other article, or a description or photograph of the other articles mentioned. (R. S., §§ 4952, 4956, 4959.) “The postmaster to whom such copyright book, title, or other article is delivered shall, if requested, give a receipt therefor, and when so delivered he shall mail it to its destination.” (R. S., § 4960.) For this purpose he will affix a penalty label or use the penalty envelope of his office.

SECOND-CLASS MATTER WITHIN THE COUNTY.

Sec. 421. When Carried Free.—That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section thirteen of this act. (Act of March 3, 1879, part of § 25; 20 Stats., 361.)

See section 352 for the rate prescribed.

Sec. 422. Regulations Respecting Free County Publications—

1. *As to Mailing.*—The portion of a publication entitled to pass free in the county should be deposited in the post-office by itself, in a separate package, sack, or bundle. The portion chargeable with postage, that is, copies for other than subscribers in the county of publication, copies in excess of one to each subscriber resident in the county, and sample copies, should be separately mailed. If the office of mailing be a letter-carrier office, the part of the edition for local delivery must also be made up separately by the publisher.

Admissible supplements, wherever printed, may be folded with free county matter; but a publisher cannot send folded with his own paper to his subscribers within the county another second-class publication. He can only mail the same separately at the pound rates when acting as a news agent. (See section 350.)

2. *As to the Office of Mailing and Address.*—A publication of the second class, claiming two or more offices of publication not in the same county, is entitled to pass free in neither county; but the publisher may elect which office he will regard as his office of publication, and notify the postmaster thereof, who must notify the other post-office of such selection.

The copy addressed to a subscriber actually residing within the county of printing and publication is entitled to pass free, though his post-office address be not within the county but in an adjoining county; but copies to subscribers not residing in the county are not free, although addressed to post-offices within it.

FREE MATTER IN FOREIGN MAILS.

Sec. 423. *Official Correspondence Only.*—Under the Universal Postal Union Convention official correspondence relative to the postal service and exchanged between the postal administrations of the several countries is alone exempt from payment of postage and admitted free.

The same is the rule under the separate conventions with the colonies of New Zealand, New South Wales, Queensland, Victoria, and Tasmania.

In the mails for Mexico and for Canada official correspondence, which is admissible free by domestic law and regulations, will also be transported and delivered free.

CHAPTER FOURTEEN.

THE DEAD-LETTER OFFICE.

Sec. 424. *Establishment as Separate Office.*—The Dead-Letter Office, formerly a division of the office of the Third Assistant Postmaster-General, is now a separate office under the charge of a Superintendent. The general assignment of duties therein is given in section seven.

The object for which this office is maintained is—

1. To receive from the various post-offices all mail matter required to be forwarded thereto.
2. To assort the same, and to forward such of said matter as is properly deliverable to the person for whom it is intended.
3. To return to the senders all letters and mail matter of obvious value which cannot be delivered to the person to whom addressed.
4. To keep proper registry of all letters containing valuable inclosures which cannot be delivered to the party addressed nor to the writers.