

US Postal Laws & Regulations

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Lotteries

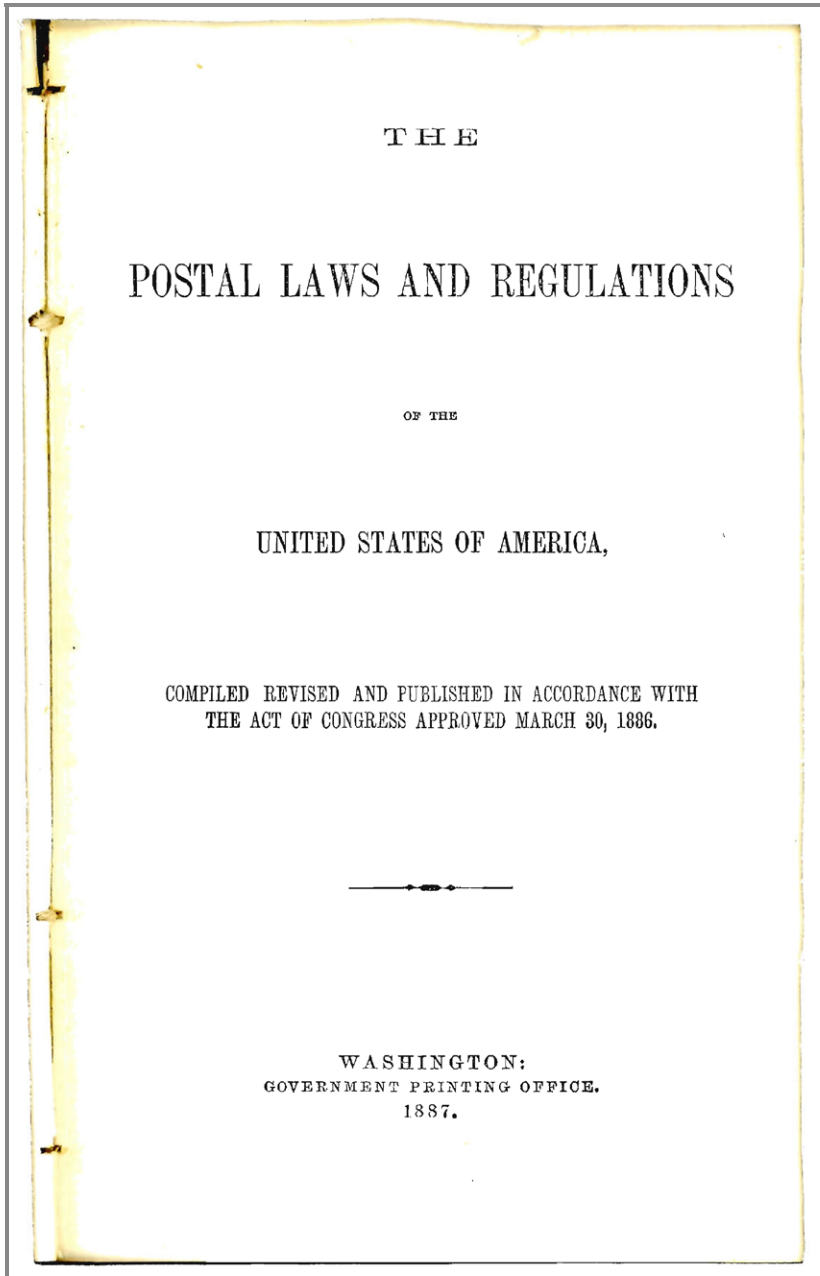


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by section three hundred and seventy-one, it is subject to postage at letter, or first-class, rates, and will be treated as a letter; that is, if one full rate, two cents, has been paid, it will be rated up with the deficient postage at letter rates; if less than one full rate has been paid, it will be treated as prescribed in section five hundred and twenty-five.

UNMAILABLE MATTER.

Sec. 378. Definition and Classification.—Unmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted in the mails; or which, by reason of illegible, incorrect, or insufficient address, it is found impossible to forward to destination. For convenience it is divided into the following classes:

1. *Held for postage*: That matter which is insufficiently prepaid to entitle it to be forwarded in the mail. This includes all domestic matter of the first class which is not prepaid at least one full rate of postage, and all other domestic matter not fully prepaid; and all insufficiently prepaid matter addressed to foreign countries on which prepayment is necessary.

2. *Misdirected*: That matter which is without address or so incorrectly, insufficiently, or illegibly addressed that it cannot be forwarded to its destination.

3. *Destructive matter*: That which, from its harmful nature, is forbidden to be in the mails. (See section 368.)

4. *Coin and jewelry*: That matter, to wit, coins, jewelry, or precious articles, which is by treaty stipulation prohibited from being sent in the mails to certain foreign countries. (See section 401.)

5. *Obscene matter*: That matter which is by sections three hundred and eighty declared unmailable and prohibited from being sent in the mails.

6. *Lottery*: That matter which is by section three hundred and seventy-nine prohibited from being sent in the mails.

7. *Mutilated*: That matter which is recovered from wrecked or burned mail cars or vessels, or which has been so damaged by any other means that it cannot be forwarded to its destination. This includes all matter of value found loose in the mails, separated from the wrapper, label, or envelope containing the address, so that the destination cannot be known; and all matter recovered from depredations on the mails, which the Postmaster-General is required to restore to the owners when ownership is proved. (Section 151.)

8. *Excess of weight and size*: Those packages of domestic third and fourth class matter weighing more than four pounds each, except single books exceeding that weight, and of foreign matter which are in ex-

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

no through pouches to be dispatched by mail trains unless specially instructed to do so.

Sec. 543. Facing Slips to be Used.—Facing slips, bearing postmark with date and time of close or dispatch, and name of person making up the same, must be placed upon each package of letters or circulars, and in each pouch or canvas sack of newspapers, or on the label holder, if any, attached thereto. For form of facing slip, see section 994.

Sec. 544. No Hooks on Mail Bags.—The use of hooks in handling mail bags is forbidden.

Sec. 545. Delivery of Mail Matter on Mail Cars by Postmasters.—Postmasters are required to dispatch mail to railway post-offices in the lock pouches provided for that purpose, except in the case of a few late letters or postal cards, which they may deliver in person or by a sworn assistant after the postmark of the mailing office has been impressed thereon and the stamps canceled. Such postmarked and canceled letters and postal cards must not be received by the postal clerk from a mail-messenger nor from the public, as after the mail is once deposited in a post-office it cannot again come into the hands of the public until its final delivery. (See sections 532 and 979.)

AT OFFICES IN TRANSIT.

Sec. 546. Missent or Unmailable Matter Inadvertently Sent and Misdirected Matter.—Misdirected, destructive, or manifestly obscene matter, which should not have been, but through inadvertence may have been, dispatched from the post-office of mailing, should be detained and withdrawn from the mails by any postmaster into whose hands the same may come in transit. But other matter which should have been detained at the office of mailing as "held for postage," "excess of weight or size," "coin," or "lottery" (see section 379), must not be stopped in transit.

Misdirected matter of the first class, if it bear the card or request of the sender, should be withdrawn and returned to him with the words written or stamped thereon, "RETURNED FOR BETTER DIRECTION." (See section 526.)

Missent matter, or that which is plainly addressed, but sent in the wrong direction, should, when discovered, be placed in the first mail going in the proper direction.

Sec. 547. Mail Stopping Over Night.—When the mail stops over night where there is a post-office, it must be kept in the post-office, except at points where transfer clerks are on duty during the night in charge of such mail, or where otherwise ordered by the Department.

For time allowed in opening mail, see section 510.