

# US Postal Laws & Regulations

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Second-class mail



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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

should receive a new certificate of entry accordingly. Educational publications and those of colleges and schools, otherwise within the rule, do not lose their right by suspension of issue during vacation.

Sec. 330. A Known Office of Publication is a public office for the transaction of the business of the newspaper or periodical, where orders may be received for subscriptions and advertising during the usual business hours; and this office should be shown by the publication itself.

Sec. 331. Advertising Sheets Defined.—“Regular publications, designed primarily for advertising purposes,” within the intendment of section three hundred and twenty-eight, embrace at least such as the following:

First. Those owned and controlled by one or several individuals or business concerns, and conducted as an auxiliary and essentially for the advancement of the main business or calling of those who own or control them.

Second. Those which, having no genuine or paid-up subscriptions, insert advertisements free, on the condition that the advertiser will pay for any number of papers which are sent to persons whose names are given to the publisher.

Third. Those which do advertising only, and whose columns are filled with editorial puffs of firms or individuals who buy a certain number of copies for distribution.

Fourth. Pamphlets containing market quotations, and the business cards of various business houses opposite the pages containing such quotations.

The question whether a publication is primarily designed for advertising purposes is one of fact to be determined in each case from the evidence (16 Opins. Atty. Gen., 303). There are various facts from which inferences may be drawn, in aid of such decision. A publication may be largely engaged in advertising, and still not be published primarily for that purpose. It may not be self-sustaining apart from the revenue derived from advertising, and still be entitled to the pound rates. But the postmaster or the Department, in doubtful cases, will judge from the appearance and matter in the publication, the price of and amount derived from subscription, the number of subscribers in proportion to the issue, the amount of advertising space in proportion to the other, the quantity of advertising for one business house, the relation of the advertisers to the publishers, and the frequency of issue. If the advertisement is limited to the business or wares of one house, and forms the principal part of the reading matter, and the other matter appears to be put in merely to attract attention to the advertisements or secure the circulation, or if the circulation be principally gra-

tuitous and the list of subscribers so small as to appear only a nominal list, secured merely to bring the publication within the pound rates, or if the publication is by advertising agents, manufacturers, or dealers in particular lines of goods, mainly to advertise their own manufactures or wares or business, and is designed for and devoted to that work, it may reasonably be deemed to be designed primarily for advertising purposes. But where a publication advertises largely even for a particular patron or for a business conducted by its publishers, and yet furnishes a periodical which contains so large and interesting an amount of information of a public character, or is devoted to literature, the sciences, art, or some special industry to such an extent as to command a patronage from readers, and an extensive subscription list independently of its advertising attractions, the inference may be drawn that the primary or principal object of the publication is more comprehensive than that of advertising. It may in such a case be assumed that the object for which it is taken by its subscribers—the perusal of its general matter—shows the want which it is intended to supply, in other words, the object of its publication; and the purpose for which it is chiefly taken may be deemed the purpose for which it is designed.

**Sec. 332. Subscription Price and List Requisite.**—Postmasters must require satisfactory evidence that publications offered for mailing at pound rates have a legitimate list of subscribers, by each of whom, or for each of whom, with his consent, express or implied, payment of the subscription price has been made, or agreed to be made. Subscription price must be shown by the publication, and will be deemed *nominal*, within the meaning of section three hundred and twenty-eight, when:

1. The publication asserts or advertises that it is furnished to subscribers at no profit.

2. When it appears from the contents that subscriptions are not made because of the value of the publication as a news or literary journal, but because of its offers of merchandise, or other consideration substantially equal in value to the subscription price, as an inducement to subscription.

3. When the publication is issued for and distributed among the members of a society, association, or club, upon payment of regular dues, with no distinct and sufficient charge for the publication.

**Sec. 333. Application for Admission to the Pound Rates.**—When a new publication is offered for mailing at pound rates at any post-office, the postmaster will proceed as follows:

1. Require the publisher, or one of the publishers, to make and present to him, with two copies of the publication, sworn answers in writing to the following interrogatories:

1st. Magazine or newspaper? 2d. How often published? 3d. Where is the paper printed? 4th. Who are the proprietors of the paper or magazine? 5th. Are they in any way interested, pecuniarily, in any business or trade represented by the publication, either in the reading matter or in the advertisements; if so, what is the interest? 6th. Who are the editors of the publication, and how is their compensation determined? 7th. Have the editors any pecuniary interest in any business or trade represented by the publication, either in the reading matter or in the advertisements; if so, what is the interest? 8th. Is your publication regarded by the trade which it purports to represent as a general organ of the trade, or is it considered as representing the business interest of a special house in that trade, whose price current or advertisements appear therein? 9th. As a result of the publication of your paper or magazine, is the interest of any business house in the trade especially advanced, notwithstanding your design of making the publication a journal representing the trade? 10th. Can any house in good standing advertise in your publication at the regular published rates? 11th. Have any of the business houses which advertise in your publication any interest (either by past connection or special contract) therein respecting advertisements or subscriptions; and if so, what is that interest? 12th. What is the greatest number of copies furnished to any person or firm who advertise in your publication? 13th. On what terms are these papers furnished? 14th. What number of papers do you print of each issue? 15th. About what number of *bona fide* subscribers (that is, subscribers who pay their own money for the publication and receive it regularly) have you to the next issue of your paper? 16th. What is the subscription price of your publication per annum? 17th. How many pounds weight will cover the papers furnished to regular subscribers? 18th. What average number of sample copies with each issue do you desire to send through the mails at pound rates? 19th. How are the names of the persons to whom you wish to send sample copies obtained by you?

2. If satisfied by the affidavit, the publication itself, and further proofs offered, that the publication is admissible, he will issue a temporary permit, on a form to be furnished by the Department, admitting the publication at the pound rates pending the determination of the Department as to its admissibility.

3. If upon such evidence the admissibility appear to be doubtful, he shall require a deposit at third-class rates on the issue offered for mailing, and issue a permit admitting the publication conditionally, pending determination, the excess of the deposit over the pound rate to be re-

funded if the Department shall decide that the publisher is entitled to the pound rates.

4. If satisfied of non-admissibility, he will refuse to admit except at third-class rates, advising the publisher to appeal to the Department.

5. In all cases he will forward to the Third Assistant Postmaster-General, in the same envelope, the application, affidavit, and other proofs presented by the publisher with a copy of the publication, and a statement of any facts or reasons known to him for or against the admission sought, retaining one copy of the publication to be kept in his office for such comparison with future issues as may be necessary.

**Sec. 334. Entry of Second-Class Publications.**—The Third Assistant Postmaster-General finally decides upon the admissibility of publications to the pound rate in all cases. He will without delay examine all applications, and upon being satisfied that a publication is entitled to admission at such rate will authorize the postmaster at the proper office to issue a certificate of entry therefor. The postmaster will thereupon issue such certificate on form furnished by the Department, and the publisher is then privileged to print upon each copy of the publication so entered the words, "ENTERED AT THE POST-OFFICE AT ———, AS SECOND-CLASS MATTER." The printing of such words or their equivalent, without due entry having first been made, is unlawful. (See section 346.)

Postmasters should notify publishers of the requirements of this chapter, and that it is the desire of the Department that due entry be made of all second-class publications, both old and new, and that frequent examination and rigid scrutiny will be had of all publications not so formally entered.

Whenever it is made to appear by satisfactory evidence that a publication has been admitted to the pound rates upon false evidence, or that after admission it has so changed its character as to be no longer entitled thereto, the entry thereof will be revoked, and the postmaster at the proper office notified of the revocation.

**Sec. 335. Department Record of Second-Class Publications.**—The Third Assistant Postmaster-General will cause a record to be kept of second-class publications admitted to the pound rates, giving the date of entry, date when publication ceased or entry was revoked, and will require postmasters punctually to forward all reports and information necessary to keeping the same, and note all changes therein.

**Sec. 336. Extra Editions,** when genuine and not issued as mere advertising sheets, are entitled to the same rates as the regular edition.

**Sec. 337. Supplements Admitted as Second-Class Matter.**—That publishers of matter of the second class may, without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added



matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication. (Act of March 3, 1879, § 16, 20 Stats., 359.)

**Sec. 338. Rules for Determining Character of Supplements.**—In determining whether supplements, though folded for mailing with regular issues, are within the statutory definition, the following rules may be employed when applicable, namely :

1. A publication entirely distinct from and independent of the regular issue, but complete in itself, and in nowise connected with or germane to the regular issue, cannot be adopted as a supplement.

2. "Posters," "show bills," or special advertisements, designed to be posted up, cannot be adopted as supplements.

3. Advertisements, such as appear in the columns of the regular issue and are charged for at the same rate, but which in consequence of want of space or for greater convenience of arrangement are desired to be published in a separate sheet or enlarged edition, are proper supplemental matter.

4. It is not required that the supplement sheets be printed at the office of publication of the regular issue, but if printed there or elsewhere, they must be printed with the purpose of being used as supplements to such publications, and not for another distinct and separate use.

5. A supplement consisting entirely of literary matter is proper ; but matter printed elsewhere than at the office of publication, to be used as supplements to various newspapers for the purpose of securing circulation to some advertisement of private business therein, does not come within the statutory definition of a supplement, and cannot be adopted as such, even though it be printed therein that it is a supplement to the regular publication.

6. Publications of statutes, ordinances, proceedings of public or deliberative assemblies, boards, or conventions, advertisements of tax sales, or other notices or advertisements required by law to be published, whether gratuitously or for compensation, are proper supplemental matter.

7. Supplements must, as the law requires, be folded with the regular issues. If mailed separately, they must be prepaid as third-class matter.

8. Supplements must in all cases bear the name of the paper with

which they are folded, and if they contain advertisements, the number and date corresponding to the regular issue.

9. Maps, diagrams, or illustrations, which are referred to in the publication or form a necessary part thereof, are admissible without the word "supplement."

10. While bills or receipts for subscriptions to the publication, or orders for subscription, as authorized by law (section 356), may be inclosed with a regular issue, they ought not to be combined with a supplement. (See section 357.)

**Sec. 339. Inclosures Containing Illegal Supplements; how Rated.**—Newspapers containing sheets or additional matter not legally admissible as supplements, should be treated at the mailing office as third-class matter, and postage required accordingly. If the publisher desires to appeal to the Third Assistant Postmaster-General, he can do so by making a deposit for the issue mailed at third-class rates with the postmaster, of which the excess over second-class rates will be refunded, if the Department decides the matter to be admissible as supplements. Newspapers containing illegal supplements, arriving at any office of delivery without evidence of prepayment by stamps affixed, should be rated up, and postage collected on delivery at the third-class rate, as required by law. (See section 343.)

**Sec. 340. Sample Copies,** which may be sent by publishers from the office of publication at the pound rate, are defined to be copies sent to persons not subscribers for the purpose of inducing them to subscribe or advertise or become agents therefor. In determining their admissibility as sample copies, the following rules should be applied, namely:

1. They must be exactly like the regular edition sent to subscribers. When made up as a special edition different from the regular edition of the same date for subscribers, or containing advertisements in addition to those in the regular edition, they are not sample copies, but third-class matter.

2. The number of sample copies is not limited when sent in good faith as such; but they should be put up in single wrappers and each package addressed, and should be plainly marked, on the wrapper or exposed face of the package, "SAMPLE COPY."

3. An extra number of the issue cannot be sent as sample copies upon the order of, or to fulfill a contract by the publisher with, an advertiser or advertising agency, and extra numbers mailed pursuant to such order or contract must be prepaid at the four-ounce rate. (See section 351.)

4. After a publication has been admitted to the second-class rate, the continuous mailing by the publisher of sample copies in numbers exceeding the issue to regular subscribers, or of such copies continuously to the

same person, will be deemed evidence that the publication is primarily designed for advertising or free circulation, and the sample copies should be detained until the facts can be ascertained. The postmaster should promptly report the case to the Third Assistant Postmaster-General.

5. Sample copies are not entitled to free county circulation, and must be mailed separately from editions that are, and prepaid at pound rates.

6. They must not be inclosed in the same package with copies intended for subscribers. If so inclosed they must be returned to the publisher for separation.

7. They cannot be mailed by news agents at the pound rate.

**Sec. 341. Foreign Publications.**—That foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster-General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States. (Act of March 3, 1879, § 15, 20 Stats., 359.)

**Sec. 342. Regulations for Admission of Foreign Publications.**—Agents of foreign publications may obtain admission thereof to the mails at the pound rate, at the office at which they desire to mail them within the United States, by making application to the postmaster and submitting therewith two copies of the newspaper or periodical and satisfactory evidence of such admissibility; and he will, if satisfied that the publication is entitled thereto, grant a temporary permit, and report the case with the evidence to the Third Assistant Postmaster-General. The evidence must show that the publication violates no copyright granted by the United States. Upon approval, the Department will authorize the postmaster to give a certificate of entry, as prescribed in section three hundred and thirty-four.

**Sec. 343. Examination at Mailing Office.**—That matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject: *Provided*, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same. (Id., § 12, 20 Stats., 359.)

**Sec. 344. Examination of Second-class Publications.**—Postmasters should often examine publications offered for mailing to ascertain that they

do not violate the rules prescribed by law for their admission at the pound rate, and specially note:

1. Whether the same are issued at stated intervals as frequently as four times a year, and bear a date of issue, and are numbered consecutively.

2. Whether they are issued from a known office of publication.

3. Whether they are formed of printed paper sheets, without board, cloth, leather, or other substantial binding.

4. Whether they are designed primarily for advertising purposes, or free circulation at nominal rates.

5. Whether they are mailed at the proper office, as prescribed in section three hundred and forty-eight.

6. Whether the name of the person, firm, or corporation publishing the same appears thereon.

7. Whether any other matter than legitimate supplements, as defined in section three hundred and thirty-seven, is inclosed therewith.

8. Whether any writing, print, mark, or sign, other than authorized by section three hundred and fifty-six, appears thereon or therein.

9. Whether any advertisements not permanently attached are inclosed therewith. (See section 343.)

10. When a postmaster has reason to believe that a publication has, after admission to the pound rate, so changed its character as not to be legally entitled thereto, he may require a sworn statement as to its list of subscribers to be furnished him, which, with any other facts or evidence within his knowledge, he will forward to the Third Assistant Postmaster-General.

**Sec. 345. Record of Second-class Matter.**—Postmasters must keep a record of all publications of the second class mailed at their post-offices, and send a duplicate thereof to the Third Assistant Postmaster-General, and report to him on the first day of each month any change made therein.

**Sec. 346. Submitting False Evidence Punishable.**—That any person who shall submit, or cause to be submitted, for transportation in the mails, any false evidence to the postmaster relative to the character of his publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than one hundred nor more than five hundred dollars. (Act of March 3, 1879, § 13, 20 Stats., 359.)

**Sec. 347. Postmasters to Report False Evidence.**—When a postmaster has reason to believe that a publisher has submitted to him, or to any postmaster, or to the Department, any false statement or evidence as to

the character of his publication, to secure its admission to pound rates at any post-office, he will report the case and all the information or evidence in his possession to the Third Assistant Postmaster-General.

**Sec. 348. Postage on Second-Class Matter.**—That all publications of the second class, except as provided in section twenty-five of said act [of March 3, 1879, 20 Stats., 358], when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July first, eighteen hundred and eighty-five, be entitled to transmission through the mails at one cent a pound or fraction thereof, such postage to be prepaid as now provided by law. (Act of March 3, 1885, 23 Stats., 387.)

**NOTE.**—The exception mentioned in the foregoing act is of matter entitled to free county delivery. Section 25 therein referred to is given in sections 352 and 421.

**Sec. 349. Mode of Payment of Postage.**—That on and after the first day of January, eighteen hundred and seventy-five, upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation. (Act of June 23, 1874, § 6, 18 Stats., 233.)

The manner of using the newspaper and periodical stamps, &c., is prescribed in section 179.

**Sec. 350. Rights of News Agents.**—News agents are persons, including newsboys, engaged in business as news dealers or sellers of second-class publications. A mere local or traveling agent for a publication is not a news agent.

In admitting second-class publications sent from a news agency, postmasters will observe the following:

1. The news agent must file with the postmaster at his office of mailing, a statement showing the names of the periodicals which he mails, the post-offices to which they are directed, the number of subscribers to each on his list, with the dates to which their regular subscriptions extend.

2. He must furnish the postmaster satisfactory evidence that the publications offered are entitled to the pound rate, and have been duly entered at the office of publication.

3. Satisfactory evidence must also be furnished that the persons to whom bulk packages are sent from a news agency are also news agents,

and the address upon bulk packages sent to or from a news agency to a news agent should show that the addressee is such agent.

4. A news agent cannot be permitted to take packages of newspapers and periodicals out of a post-office, write an address on each copy, and return them to the office for mailing or delivery without additional prepayment of postage at the pound rate, except in the case of publications entitled to pass free under section four hundred and twenty-one, to actual subscribers thereto, obtained by him, and the bulk packages of which, mailed to him, have been prepaid at the pound rate.

5. The postmaster is not authorized to open a news agent's packages and distribute any of the papers or periodicals therein through the post-office to subscribers free.

6. A publisher, who purchases for his subscribers a portion of an edition of another second-class publication, is deemed a news agent, and may receive and remail the same at the pound rate.

#### SECOND-CLASS MATTER NOT ENTITLED TO THE POUND RATE.

**Sec. 351. Rate on Transient Newspapers, &c.**—That the rate of postage on newspapers and periodical publications of the second class, when sent by others than the publisher or news agent, shall be one cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage stamps affixed to said matter. (Act of June 9, 1884, 23 Stats., 40.)

**NOTE.**—Prior to this act transient newspapers were embraced in third-class matter. See section 359, which is modified by the above quoted act.

**Sec. 352. Rate at Free-Delivery Offices.**—*Provided*, That the rate of postage on newspapers, excepting weeklies and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each; periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed. (Act of March 3, 1879, § 25, 20 Stats., 361.)

Weekly newspapers mailed for delivery at a free-delivery office, although within the county of publication, must pay the pound rate.

Postmasters must be watchful to prevent admission to the mails of second-class matter addressed to free-delivery offices without prepayment of postage under this or the preceding section.

**Sec. 353. Second-Class Matter at Free-Delivery Offices; how Separated.**—Second-class matter for city delivery, where the carrier system is estab-

lished, should be separately made up at the office of publication, that for delivery by the carriers of a post-office being put in one package or bundle, each article of mail matter therein properly stamped, and that for delivery through the boxes of the post-office by itself. If the separation is not made at the office of publication, each paper or periodical not properly stamped must be placed in the boxes or at the general delivery for delivery therefrom.

## GENERAL PROVISIONS.

**Sec. 354. Newspapers to be Wrapped and Dried.**—No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers. (R. S., § 3883.)

**Sec. 355. Manner of Folding and Address.**—Publications of the second class should be properly folded for assorting and delivery, and legibly addressed. Should a publisher persist in sending them not properly folded, after being notified so to do, the postmaster will be justified in not distributing them with the regular mail.

**Sec. 356. Permissible Marks or Writing.**—That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures or both, indicating the date on which the subscription to such matter will end. (Act of March 3, 1879, § 22, 20 Stats., 360.) And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage. (Act of March 3, 1885, 23 Stats., 387.) *Provided, however,* That nothing herein contained shall be so construed as to prevent publishers of the second class and news agents from inclosing, in their publications, bills, receipts, and orders for subscriptions thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer. (Act of March 3, 1879, § 23 in part, 20 Stats., 361.)

NOTE.—The section to which the above proviso is attached is section 375.

**Sec. 357. Form of Bills Accompanying Second-Class Matter.**—Bills or receipts printed or written in substantially the following form are admissible under the preceding section :

NEW YORK, ———, 188—.

Office of ———,  
 The ——— Weekly,  
 37 Park Row. P. O. box 4295.

————— to the ——— Weekly, Dr.

—————, subscription, in advance.

Received payment for the ——— Weekly from ——— to ———.

See section 338, paragraph 10.

A bill may include the names of more than one publication, and their terms of subscription, provided they are all published by the same individual or company, or sent by the same news agent, and may include any period of subscription or any number of shipments to a news agent.

**Sec. 358. Detention of Matter and Collection of Proper Rate.**—When a postmaster at the office of mailing has good reason to believe that a publisher or news agent has deposited matter for mailing at the second-class rate which should be charged with a higher rate, he must detain the suspected matter, notify the publisher or news agent at once of the detention, and report the fact forthwith to the Third Assistant Postmaster-General.

Money collected from publishers upon third-class matter illegally mailed as second class should be converted into ordinary stamps, which should be affixed to a sheet of paper, canceled, and at once mailed to the Third Assistant Postmaster-General, with report of the facts. The stamps so used will be accounted for as sold, and at fourth-class offices also as canceled.

When a publication known by a postmaster to be third-class matter arrives at his post-office, without evidence of having been prepaid by stamps affixed, he will rate up the package at the third-class rate, to be collected, and report the facts as above. If in doubt he may withhold delivery, and forward a copy with his report.

As to second-class matter entitled to be mailed free, see section 421.

As to regulations for wrapping and examination, see sections 376, 377.

#### THIRD-CLASS MATTER.

**Sec. 359. Third-Class Matter Defined and Rate.**—That mail matter of the third class shall embrace books, transient newspapers, and periodicals, circulars, and other matter wholly in print (not included in section twelve), [section 343], proof sheets, corrected proof sheets, and manuscript copy accompanying the same, and postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully



in care of any such parties, to the named agent. When the mail is so delivered the responsibility of the postmaster ceases.

**Sec. 576. To Mail Carriers, to be Carried out of Mails.**—Mail matter of patrons of an office may, at their request, be delivered to the mail carrier, to be carried out of the mail and handed to them on his route before he passes another post-office.

**Sec. 577. Injunctions of Courts to be Obeyed.**—Where mail matter is claimed by different parties, and suit is instituted between them to determine their rights to it, and injunction is granted restraining either or all parties from receiving or the postmaster from making delivery to either or any party, he will obey the injunction and abide the decree of the court as to the disposal of the matter.

**Sec. 578. Letters "Opened through Mistake."**—Where a letter intended for one person is delivered to another of the same name and returned by him, the postmaster will reseal the letter in the presence of the person who opened it, and request him to write upon it the words "OPENED BY ME THROUGH MISTAKE," and sign his name; he will then replace the letter in the post-office. If the person who opens the letter is unable to sign his name, the postmaster will make the indorsement and have the person sign by "mark," in presence of a witness.

**Sec. 579. Of Second-Class Matter.**—A publisher may send a package of second-class matter to one address, and the addressee may call at the post-office, write addresses on single copies, and the postmaster may then deliver them; but the packages cannot be taken away from the post-office and returned again for delivery of the single copies or transmission in the mails, unless postage is prepaid anew. It is not the duty of the postmaster to open a package of papers intended for a club and write the several names of the subscribers thereon; but he may do so.

The liability of persons who take newspapers and periodicals coming to their address, out of a post-office, for the amount of the subscription thereto, is not determined by any postal law or regulation. The postmaster's duty is to deliver the matter on request, or, if unclaimed or refused, to dispose of it as required in sections five hundred and ninety-eight and five hundred and ninety-nine.

**Sec. 580. Of Valuable Letters from Dead-Letter Office, &c.**—When dead letters containing money or other valuable matter are sent from the Dead-Letter Office to a postmaster for delivery to the owners, he will make diligent effort to deliver them to the proper party. They are inclosed to him open to enable him to identify the owner or claimant. He and his clerks must maintain the strictest secrecy as to their contents; and under no circumstances can the postmaster, or any one through

All official matter sent under penalty envelopes or labels, or the frank of Senators or Members of Congress, will be treated as card matter, and, if unclaimed, returned to the office of mailing, if known.

A request upon a drop letter for its return to the writer at some other post-office, if unclaimed, cannot be respected unless it has been prepaid with one full rate (two cents) of postage.

Unclaimed letters bearing the card of a hotel, a school, college, or other public institution, which has evidently been printed upon the envelopes to serve as a mere advertisement, should not be returned to the place designated in the cards, unless there is also a request therefor, indicating the writer to whom they should be returned.

A letter which has been opened inadvertently, or upon a wrong delivery, may be returned to the writer without additional charge, when it contains a card or return request. The postmaster must not open letters to ascertain the writer.

Unclaimed card and request letters, prepaid one full rate, but not wholly prepaid, are to be returned to mailing office for delivery to the writer, who will be required to pay the amount originally due. If payment be refused the matter will be indorsed REFUSED, and treated as such. (See section 602.)

**Sec. 595. Postal Cards.**—When the message upon an unclaimed postal card is wholly or partly written, and the name and address of the writer is disclosed, the same shall be returned to writer after thirty days from date of its receipt, with the words "RETURNED TO WRITER," stamped thereon, and his name and address written underneath across the face of the card. If the message be wholly printed, it will be treated as printed matter. (See section 593.)

**Sec. 596. Return of Other than First Class and Request Matter.**—All matter, other than first class, may be returned, but is subject to an additional charge for postage for returning the same. When the sender of matter which would be subject to return postage shall, by indorsement upon the wrapper or otherwise, request its return, postmasters should comply with such request within the time fixed by the sender—if no time is fixed, then at the end of thirty days—first charging such matter, however, with the necessary return postage, and indorse the same "RETURN POSTAGE DUE — CENTS;" and the postmaster at the office to which such matter is returned must affix thereto postage-due stamps sufficient to cover the return postage, and collect the same from the sender before delivering such returned matter. If the sender should refuse to pay return postage, the matter must be disposed of as "REFUSED." If the matter be unclaimed, it will be treated as other unclaimed matter. If postage stamps or money sufficient to pay the return

postage be furnished by the sender, the postmaster at the returning office must affix to the matter returned the necessary stamps and cancel them, the same as if the matter had been originally mailed at his office.

UNCLAIMED SECOND-CLASS AND PRINTED MATTER.

**Sec. 597. Disposal of, Authorized.**—The Postmaster-General may provide, by regulations for disposing of printed and mailable matter which may remain in any post-office, or in the Department, not called for by the party addressed; but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations. (R. S., § 4061.)

**Sec. 598. Regulation as to Disposal.**—Domestic printed matter obviously without value, including printed postal cards, must not be sent to the Dead-Letter Office when unclaimed, except that upon which postage is due, but must be disposed of as waste paper, and the proceeds taken up and accounted for as other postal revenue. (See section 484.)

REFUSED SECOND-CLASS MATTER.

**Sec. 599. Publisher to be Notified.**—Postmasters shall notify the publisher of any newspaper, or other periodical, when any subscriber shall refuse to take the same from the office, or neglect to call for it for the period of one month. (R. S., § 3885.)

**Sec. 600. Notice; when and how Given.**—Notice will be given when a newspaper or periodical is uncalled for, or refused, or when the subscriber changes his address without notifying the publisher or ordering his matter forwarded, upon the blank form furnished for that purpose, which can be procured by application to the First Assistant Postmaster-General, Division of Post-Office Supplies. If the first notification be disregarded, a second may be sent, calling attention also to the fact of previous notice. The notice is to be given to publishers in Canada and Mexico as well as this country.

**Sec. 601. Disposal of Refused Second-Class Matter.**—After notification has been given, as required in the previous section, the postmaster will hold the refused matter for thirty days, after which the same and all copies subsequently arriving should be placed with the waste paper.

AT RECEIVING OFFICES—MATTER TO BE SENT TO THE DEAD-LETTER OFFICE.

**Sec. 602. Dead Matter.**—Dead matter, or such as is to be sent to the Dead-Letter Office from the office of address, may, for convenience, be classified as follows:

1. *Unclaimed.*—That which is not called for and cannot be delivered nor returned as provided in sections five hundred and ninety-two and