

HISTORY OF LAWS
RELATING TO THE POSTAL MONOPOLY
OF THE UNITED STATES

PROPOSED CODE OF 1863

Post Office Department, proposed code of 1863 (excerpts)

. . . . [28]

Sec. 47. Mailable matter is divided into three classes, namely: 1st, letters; 2d, regular printed matter; 3d, miscellaneous matter.

Sec. 48. The first class embraces all correspondence wholly or partly in writing, except that mentioned in the third class; the second class embraces all mailable matter exclusively in print, and regularly issued at stated times, without addition by writing, mark, or sign; the third class embraces all other matter which is or may hereafter be by law declared mailable, embracing all pamphlets, occasional publications, books, book manuscripts and proof-sheets, whether corrected or not; maps, prints, engravings, blanks, flexible patterns, samples, and sample cards; phonographic paper, letter envelopes, postal envelopes or wrappers; cards, paper, plain or ornamental; photographic representations of different types; seeds, cuttings, bulbs, roots, and scions.

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Sec. 63. The rate of postage on *transient* mailable matter of the second class and also on all miscellaneous mailable matter of the third class, except circulars and books, shall be two cents for each four ounces or fraction thereof, contained in any one package to one address, and such postage shall, in all cases, be fully prepaid, by stamps plainly affixed to the wrapper thereof. Double this rate shall be charged for books. Unsealed circulars, not exceeding three in number to one address, shall pass at the single rate of two cents, and in that proportion for a greater number, adding one rate for three circulars or less number thereof. No extra postage shall be charged for a card printed or impressed upon an envelope or wrapper. The foregoing rates must in all cases be prepaid by stamps.

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Sec. 83. All post routes separately described as such by act of Congress, all railroads and railroad bridges, and all waters on which steamboats regularly pass from port to port within the United States, shall be considered, and are established, as post roads, and subject to the provisions contained in the laws regulating the post office establishment; also, all navigable canals, plank-roads, and other roads on which the mail is, or shall be, carried within the United States in accordance with

law, and under contract or arrangement with the Post Office Department, shall be considered post roads during the time the mails are so carried thereon, and shall be subject to the provisions of law applicable to post roads; also, all streets, lanes, and alleys in any city or town where the Postmaster General has established, or shall establish, a letter delivery by carriers, shall be considered and held to be post roads during the period such carriers shall be employed therein, and subject to all the provisions of law respecting post roads.

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Sec. 164. No stage or other vehicle which regularly performs trips on a post road, or on a road parallel to it, shall convey letters; nor shall any packet-boat or other vessel which regularly plies on a water declared to be a post road, except such as relate to some part of the cargo. For the violation of this provision, the owner of the carriage or other vehicle or vessel, shall incur the penalty of 50 dollars; and the person who has charge of such carriage or other vehicle or vessel, may be prosecuted under this section, and the property in his charge may be levied on and sold in satisfaction of the penalty and costs of suit.

Sec. 165. No person other than the Postmaster General or his authorized agents shall set up any foot or horse post for the conveyance of letters and packets upon any post road which is or may be established as such by law, or within any postal district in which the Postmaster General has or shall establish a delivery by carriers as in this code provided. And every person who shall offend herein shall incur a penalty of not exceeding 50 dollars for each letter [77] or packet so carried; and all animals, vehicles, and means used therefor shall be forfeited to the United States for the use of the Post Office Department.

Sec. 166. It shall not be lawful for any person to carry or transport any letter, packet, newspaper, or printed circular or price current (except newspapers in use, and not intended for circulation in the country to which such vessel may be bound) on board the vessels that may hereafter transport the United States mail under contract with the Post Office Department; and for every violation of this provision a penalty of 500 dollars is hereby imposed, to be recovered by presentment, by *qui tam* action - one half for the use of the informer, and the other half for the use of the Post Office Department.

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Sec. 169. It shall not be lawful for any person or persons to establish any private express or expresses for the conveyance or transportation, by regular trips or at stated periods or intervals, from one city, town, or other place, to any other city, town, or place in the United States, between, and from, and to, which cities, towns, or other places the United States mail is regularly transported under the authority of the Post Office Department, of any letters, packets, or packages of letters, or other matter properly transmittible in the United States mail, except newspapers, pamphlets, magazines, periodicals, and other matter classed in this code as miscellaneous mail matter; and each and every person offending against this provision, or aiding and assisting therein, or acting as such private

express, shall for each time any letter or letters, packet or packages, or other matter properly transmittible by mail, except as aforesaid, shall or may be by him, her, or them, or through his, her, or their means or instrumentality, in whole or in part, conveyed or transported contrary to the true intent, spirit, and meaning of this section, forfeit and pay the sum of 150 dollars.

Sec. 170. It shall not be lawful for any stage coach, railroad car, steamboat, packet-boat, or other vehicle or vessel, nor any of the owners, managers, servants, or crews of either, which regularly perform trips at stated periods on a post route, or between two or more cities, towns, or other places, from one to the other of which the United States mail is regularly conveyed under the authority of the Post Office Department, to transport or convey otherwise than in the mail any letter or letters, packet or packages of letters, or other mailable matter whatsoever, except such as may have relation to some part of the cargo of such steamboat, packet-boat, or other vessel, or to some article at the same time conveyed by the same stage coach, railroad car, or other vehicle, and excepting also newspapers, pamphlets, magazines, periodicals, and other matter classed in this code as miscellaneous mail matter; and for every such offence, the owner or owners of the stage coach, railroad car, steamboat, packet-boat, or other vehicle or vessel, [78] shall forfeit and pay the sum of 100 dollars, and the driver, captain, conductor, or person having charge of any such stage coach, railroad car, steamboat, packet-boat, or other vehicle or vessel, at the time of the commission of any such offence, and who shall not at that time be the owner thereof, in whole or in part, shall, in like manner, forfeit and pay, in every such case of offence, the sum of 50 dollars.

Sec. 171. The owner or owners of every stage coach, railroad car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner or owners, in whole or in part, or with the knowledge or connivance of the driver, conductor, captain, or person having charge of any such stage coach, railroad car, steamboat, or other vessel or vehicle, convey or transport any person or persons acting or employed as a private express for the conveyance of letters, packets, or packages of letters, or other mailable matter not excepted in this code, and actually in possession of such mailable matter, for the purpose of transportation, contrary to the spirit, true intent, and meaning of this code, shall be subject to the like fines and penalties as are hereinbefore provided and directed in the case of persons acting as such private expresses, and of persons employing the same; but nothing in this code contained shall be construed to prohibit the conveyance or transmission of letters, packets, or packages, or other matter to any part of the United States by private hands, no compensation being tendered or received therefor in any way, or by a special messenger employed only for the single particular occasion.

Sec. 172. All persons whosoever who shall transmit by any private express, or other means by this act declared to be unlawful, any letter or letters, package or packages, or other matter, not excepted in this code, or who shall place or cause to be deposited at any appointed place, for the purpose of being transported by such unlawful means, any matter or thing properly transmittible by mail, excepting as aforesaid, or who shall deliver any such matter excepting as aforesaid, for transmission to any agent or agents of such unlawful expresses, shall, for each and every offence, forfeit and pay the sum of 50 dollars.

Sec. 173. Nothing in this act contained shall be so construed as to prohibit any person whatever from transporting or causing to be transported over any mail route, or any road or way parallel thereto, any books, magazines, or pamphlets, or newspapers, whether marked, directed, or intended for immediate distribution to subscribers or others, or intended for sale as merchandise, and transported in the usual mode of transporting merchandise over the particular route used, and sent or consigned to some *bona fide* dealer or agent for the sale thereof; nor shall anything herein be construed to interfere with the right of any traveler to have and take with him or her, for his or her own use, any book, pamphlet, magazine, or newspaper.