

US Postal Laws & Regulations

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Post roads



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It is a criminal offense to obstruct a mail train, although those guilty are willing to permit the passage of the mail car alone. (*U. S. v. Clark*, 13 Philadelphia, 476.)

Sec. 726. Delaying Mail at a Ferry; Penalty.—Any ferryman who shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry shall, for every ten minutes such mail may be so delayed, be liable to a penalty of ten dollars. (R. S., § 3996.)

CHAPTER TWENTY-THREE.

OF POST ROADS; AND GENERAL PROVISIONS FOR ESTABLISHING MAIL CARRIAGE.

Sec. 727. What are Post Roads.—The following are established post roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank roads, during the time the mail is carried thereon.

The road on which the mail is carried to supply any court house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. (R. S., § 3964.)

That all public roads and highways while kept up and maintained as such are hereby declared to be post routes. (Act of March 1, 1884, 23 Stats., 3.)

NOTE.—As required by the act of June 20, 1874 (18 Stats., § 3, 113), all statutes relating to post roads passed prior to December 1, 1873, were printed in the volume of "Revised Statutes relating to District of Columbia, Post Roads, and Public Treaties." The several acts specially establishing post roads since that date are to be found in 18 Stats., 7, 256, 486; 19 Stats., 12, 319, 336; 20 Stats., 15, 427; 21 Stats., 12, 92, 353; 22 Stats., 14, 350, 572; 23 Stats., 15, 427.

"The policy of extending the lines of post roads on all railroads and navigable waters was to require, under a penalty, all boats and railroad cars to deposit in post offices all letters which they may carry, so that the postage may be charged. It gives to the Government no rights on those lines of communication, except where the mail may be carried under a contract, which, if obstructed, subjects the offender to prosecution. It gives the Government no other interest in or control over the road. The railroad may be changed at the will of the proprietors, and the mail will

not be carried in the cars, except by contract, for which a compensation is paid." (*Penn v. Wheeling, &c., Bridge Co.*, 18 How., 441.)

The term "post road" ordinarily signifies a highway by land or water, made by statute an avenue over which mails may be lawfully transmitted. The term "post route" ordinarily signifies a post road or definite portion thereof, over which the mails are usually transported by contract. (*Railway Mail Service Cases*, 13 Ct. Claims R., 199; *United States v. Kochersperger*, 9 Am. Law Reg., 145.)

Sec. 728. Selecting Post Roads.—When there is more than one road between places designated by law for a post road, the Postmaster-General may direct which shall be considered the post road. (R. S., § 3972.)

Sec. 729. When Terminus of Post Roads may be Changed.—The Postmaster-General may change the terminus of post roads connecting with or intersecting railways when the service can be thereby improved. (R. S., § 3973.)

Sec. 730. All Court Houses to be Supplied with Mail.—The Postmaster-General shall cause a mail to be carried from the nearest post-office on any established post road to the court house of any county in the United States, which is without a mail. (R. S., § 3966.)

Sec. 731. Service may be Established on Post Roads.—The Postmaster-General shall provide for carrying the mail on all post roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper. (R. S., § 3965.)

Sec. 732. Authority to Establish Post Roads.—The Postmaster-General may, when he deems it advisable, contract for the transportation of the mails to and from any post-office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post route by Congress. (R. S., § 3975.)

Sec. 733. Extending Mail Facilities to Special Post-Offices.—The Postmaster-General may enter into contracts for extending the line of posts to supply mails to post-offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices. (R. S., § 3971.)

Sec. 734. Carrying the Mail on Canals.—The Postmaster-General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it. (R. S., § 3967.)

Sec. 735. Carrying the Mail on Plank Roads.—The Postmaster-General may contract for carrying the mail on any plank road in the United States, when the public interest or convenience requires it. (R. S., § 3968.)

Sec. 736. Carrying the Mail on Waters of the United States.—The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States. (R. S., § 3969.)

Sec. 737. Inland and Foreign Steamboat Mail Service.—The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service. (Act of March 3, 1885, 23 Stats., 336.)

NOTE.—This clause gives a continuing authority amending the general law. (Opin. of Att'y-Gen., May 27, 1886.)

Sec. 738. Preference Given to Letters over other Mail Matter.—When the amount of mail matter to be carried on any mail route is so great as to seriously retard the progress or endanger the security of the letter mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster-General may provide for the separate carriage of the letter mail, at the usual rate of speed; but the other mail matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for effecting the same. (R. S., § 3994.)

Sec. 739. Discontinuing Service on Post Roads.—Whenever, in the opinion of the Postmaster-General, the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post road, he may discontinue the service on such road or any part thereof until the same can be safely restored. (R. S., § 3974.)

CHAPTER TWENTY-FOUR.

OF TRANSPORTATION BY RAILROADS.

Sec. 740. Postmaster-General to Decide what Trains shall Carry the Mail.—The Postmaster-General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed. (Act of March 3, 1879, § 3, 20 Stats., 358.)

Sec. 741. May Contract for Without Advertising.—The Postmaster-General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor. (R. S., § 3942.)

NOTE.—The Post-Office regulations establishing contract sections relate to the whole mail service. They do not compel the Postmaster-General to make time contracts with railway companies, nor prevent him from accepting services which may be determined at will by either party. (*R. R. Co. v. The United States*, 21 Ct. Claims R., 155.)