

# US Postal Laws & Regulations

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Out of mails



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lar business, or part of his business, in opposition to the public carriers, is legally incapable of receiving authority to take letters out of the post-office for that purpose, however such authority may be attempted to be conferred. (9 Opins. Att'y-Gen, 161.)

Letter carriers' routes in cities are "post routes," and the establishing of a private express for the transmission of letters within a city where letter-carrier routes have been established is unlawful under the above statute. (*Blackham v. Gresham*, 16 Fed. Rep., 609; *United States v. Eason*, 18 Fed. Rep., 590.)

**Sec. 707. Private Carriers Forbidden at Carrier Post-Offices.**—Postmasters at letter-carrier post-offices will under no circumstances deliver first-class mail matter to a private carrier, no matter what credentials he may present, whether it be a joint order from all of his employers, or a separate order from each one, a permanent standing order, or an order renewed every day. (See 9 Opins. Att'y-Gen., 161.)

**Sec. 708. Carrying Person Acting as Express Forbidden.**—The owner of every stage coach, railway car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner, in whole or in part, or with the knowledge or connivance of the driver, conductor, master, or other person having charge of the same, convey any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to the spirit, true intent, and meaning of this title, shall, for every such offense, be liable to a penalty of one hundred and fifty dollars. (R. S., § 3983.)

**Sec. 709. Penalty for Sending Letters by Private Express.**—No person shall transmit by private express or other unlawful means, or deliver to any agent of such unlawful express, or deposit, or cause to be deposited, at any appointed place, for the purpose of being transmitted, any letter or packet; and for every such offense the party offending shall be liable to a penalty of fifty dollars. (R. S., § 3984.)

**Sec. 710. Penalty for Carrying Letters out of the Mails.**—Any person concerned in carrying the mail, who shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall, for every such offense, be punishable by a fine of not more than fifty dollars. (R. S., § 3981.)

**Sec. 711. Carrying Letters out of Mail; Penalty on Owner of Vehicle.**—No stage coach, railway car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stage coach, railway car, or other vehicle, ex-

cept as provided in section three thousand nine hundred and ninety-three (section 716); and for every such offense the owner of the stage coach, railway car, steamboat, or other vehicle or vessel shall be liable to a penalty of one hundred dollars; and the driver, conductor, master, or other person having charge thereof, and not at the time owner of the whole or any part thereof, shall for every such offense be liable to a penalty of fifty dollars. (R. S., § 3985.)

NOTE.—It is not a violation of this section for an express company to carry with a money letter or package an unstamped letter of advice concerning such money. (*U. S. v. U. S. Express Co.*, 5 Biss. R., 91.)

**Sec. 712. Penalty for Carrying Letters on Board a Mail Vessel.**—No person shall carry any letter or packet on board any vessel which carries the mail otherwise than in such mail, except as provided in section three thousand nine hundred and ninety-three [sec. 716]; and for every such offense the party offending shall be liable to a penalty of fifty dollars. (R. S., § 3986.)

**Sec. 713. Mail Vessel to Take Letters from a Post-Office.**—No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post-office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section three thousand nine hundred and ninety-three [sec. 716]; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section. (R. S., § 3987.)

**Sec. 714. Vessels to Deliver all Letters at Post-Office.**—No vessel arriving within any port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered at the nearest post-office, and the master thereof has signed and sworn to the following declaration before the collector or other proper customs officer:—

“I, A B, master of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered, at the post-office at ———, every letter and every bag, packet, or parcel of letters which were on board the said vessel during her last voyage, or which were in my possession or under my power or control.”

And any master who shall break bulk before he has delivered such letters shall be liable to a penalty of not more than one hundred dollars,

recoverable, one-half to the officer making the seizure, and the other to the use of the United States. (R. S., § 3988.)

*Further penalty on Foreign Vessels.*—All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters, relating to such vessel, or any part of the cargo thereof, as may be directed to the owners or consignees of the vessel, shall be subject to postage-charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters, relating to the vessel, or any part of the cargo thereof, as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master of such vessel when arriving, and be taken from a United States post-office when departing, and the postage paid thereon, justly chargeable by this title [XLVI.] and for refusing or failing to do so, or for conveying such letters or any letters intended to be conveyed in any vessel of such foreign country over or across the United States, or any portion thereof, the party offending shall be punishable by a fine of not more than one thousand dollars for each offense. (R. S., § 4016.)

#### EXCEPTIONS.

**Sec. 715. Letters Conveyed Without Compensation.**—Nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. (R. S., § 3992.)

**Sec. 716. Letters in Stamped Envelopes.**—All letters inclosed in stamped envelopes, if the postage stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail route where the public interest may require such suspension. (R. S., § 3993.)

**Sec. 717. Newspapers may be Carried Out of the Mail.**—Contractors or mail carriers may convey out of the mail newspapers for sale or distribution to subscribers. (R. S., § 3888.)

NOTE.—Postage on such when placed in post-office must be paid.

**Sec. 718. Mail Carriers to Receive Mail for Delivery at Next Post-Office.**—Every route agent, postal clerk, or other carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives; but no fees shall be allowed him therefor. (R. S., § 3980.)

NOTE.—When any properly prepaid mail matter is presented to a railway postal clerk he complies with the provisions of this section by depositing it in his mail car, as all postal cars and mail apartments in cars and steamboats have been designated by the Postmaster-General as post-offices for the distribution of mail in transit. See section 903.

#### DETECTION OF VIOLATIONS.

**Sec. 719. Postmasters to Report Violations.**—Whenever a postmaster receives information or has good reason to believe that letters are illegally brought to or sent from any city, town, landing, station, or place near his post-office, whether by steamboat, railroad, private carrier for hire, or any other mode of conveyance, or in any way in violation of law, he will give immediate notice of such violation of law to the Postmaster-General, with all the facts concerning it in his possession.

**Sec. 720. Special Agents to Search Vessels for Letters.**—Any special agent of the Post-Office Department, when instructed by the Postmaster-General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law. (R. S., § 3989.)

**Sec. 721. Special Authority for Search.**—The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found. (R. S., § 4026.)

**Sec. 722. Seizing and Detaining Letters.**—Any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post route, and convey the same to the near-

est post-office, or may, by the direction of the Postmaster-General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters. (R. S., § 3990.)

**Sec. 723. Forfeiture of Seizures to the United States.**—Every package or parcel seized by any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. (R. S., § 3991.)

**Sec. 724. Letters Seized may be Returned to Senders.**—All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster-General may direct. (R. S., § 3895.)

#### OBSTRUCTIONS FORBIDDEN.

**Sec. 725. Penalty for Obstructing the Mail.**—Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than one hundred dollars. (R. S., § 3995.)

The temporary detention of the mail, caused by the arrest of its carrier upon an indictment for felony, does not come within the provisions of this section, but a mail carrier on his route cannot be detained by civil process. (*U. S. v. Kirby*, 7 Wall., 482.)

A city may prohibit by ordinance the passage of trains through its limits at a rate of speed not exceeding six miles per hour, and not conflict with this section. (*United States v. Hart*, 1 Pet. C. C., 390.)

The act of Congress prohibiting the stoppage of the mail is not to be so construed as to prevent the arrest of the driver of a vehicle in which the mail is carried, when he is driving through a crowded city at such a rate as to endanger the lives of the inhabitants. (*United States v. Hart*, 1 Pet. C. C., 390.)

One having a lien against horses for their keep cannot enforce the same in such a manner as to stop the United States mail in a vehicle drawn by such horses (*United States v. Barney*, 3 Hughes C. Ct., 545), but it is not an offense, under this section, to detain the horse in the stable until the keep is paid. (*U. S. v. McCracken*, 3 Hughes, 544.)

One who, believing himself entitled to transportation on a railway car, resists the conductor's attempts to detach the mail car therefrom and send it on with the mail, is guilty of obstructing the passage of the mail. (*U. S. v. Kane*, 19 Fed. Rep., 42.)