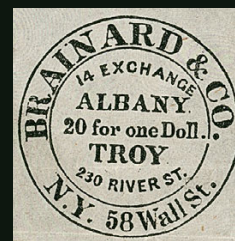


STAMPS OF THE NINE ADHESIVE-ISSUING INDEPENDENT MAIL COMPANIES

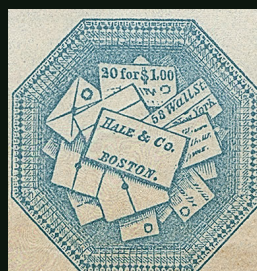
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Brainard & Company



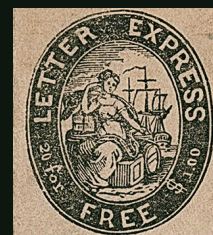
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Hartford Mail Route



Wells' Letter Express



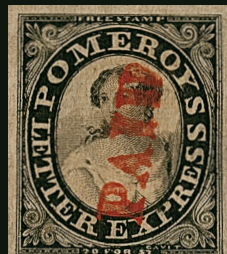
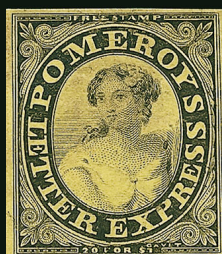
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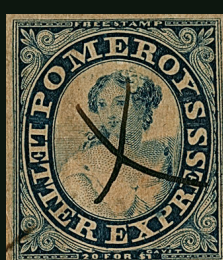
Hoyt's Letter Express



Pomeroy's Letter Express



W. Wyman's Letter Offices



THE INDEPENDENT MAILS

SINCE COLONIAL TIMES, THE GOVERNMENT AND PRIVATE ENTERPRISE HAVE EACH ASSERTED its right to carry the mail and printed news matter. Through its legal monopoly, the government finally achieved control over the routes and transportation modes, but the issue was fiercely debated during the first half of the nineteenth century, reaching its zenith in the 1840s. The conflict grew during the previous decade due to significant social, political, economic and technological developments. The combination of demand, opportunity and feasibility led to the entry of private express companies into the business of carrying letters between cities, mainly along the northeastern railroad corridor between Baltimore and Boston, but also along the waterways on the Long Island Sound, the Erie Canal, the Great Lakes, and the North Atlantic ocean. These companies carried the mail faster and charged less than the government, but for the most part they serviced only the more profitable high-volume routes.

Letter-carrying firms of the 1843-1845 period declared themselves the "Independent Mails" and the "Opposition Post Office." Despite their brief nineteen-month existence, from December 1843 until the end of June 1845, they prospered to such a great degree that the Post Office Department led a crusade to crush them through legislative reform. The result was the Act of March 3, 1845, which reduced and simplified government postage rates, making it the kind of progressive legislation postal reformers had sought. However, it also strengthened the government's monopoly by strictly prohibiting anyone from carrying any kind of mail, for any type of compensation, over any intercity route used by the federal post office. On July 1, 1845, the act's effective date, the Independent Mails stopped running.

Independent Mail operators claimed credit for the rate reductions in the 1845 postal reform bill and further reductions in 1851. The claim is bold, but not overstated, for without companies like American Letter Mail, Hale and Pomeroy, the U.S. Post Office Department might have successfully maintained the status quo for many more years.

POSTAL REFORM AND PRIVATE ENTERPRISE

The roots of American postal reform are found in the religious and political movements of the early nineteenth century, and are closely tied to the country's expanding boundaries and population growth in the 1830s and 1840s. The advocacy of "cheap postage" was inspired and encouraged by the 1840 British postal reforms, and the business opportunities afforded to entrepreneurs were greatly increased during the same period by the rapid expansion of steamboat and railroad routes. These events and trends combined to create the conflict between the government and the private sector over the mails.

The question of competition between government and private mail-carrying operations had existed for decades prior to the rise of the Independent Mails. Several key components of postal legislation before 1845, going back to the establishment of the federal post office, contained definitions of "post roads" and restrictions on private conveyance of letters over those routes. For example, the Act of March 3, 1823, declared that the waterways regularly plied by steamboats were post roads. The Post Office claimed that these laws gave it the exclusive right to carry mail, a right that was protected against competition from private enterprise or interference by state governments.

Justification for the federal postal monopoly was based on the government's self-proclaimed obligation to provide mail service to all citizens throughout United States territory. In its simplest form, the justification for a postal monopoly was this: To ensure that citizens in remote, sparsely populated parts of the nation could regularly send and receive mail, fellow citizens in urban, more densely populated regions had to pay more. Monopoly proponents argued that the economics of providing mail service to the entire populace demanded an unequal allocation of postage charges and required protection against private competition along the most lucrative routes.

On the other hand, Cheap Postage and Postal Reform advocates argued that reducing rates would eventually have the effect of increasing revenue, a precursor to the economic theory behind the 1980s Reagan tax reforms. To counter the immediate loss of revenue from reduced rates, the reformers suggested making drastic cuts in stage subsidies and curtailing the franking privilege. The spirited defenders of free enterprise, who challenged the federal postal monopoly on constitutional grounds, claimed that the government had no right to prohibit private companies from operating competitive letter-carrying services.

In the decades before 1843, changing technology and circumstances compelled the courts and Congress to continually redefine what constituted illegal mail conveyance, and to defend relatively high postage rates against calls for significant reductions. The forces that laid the foundation and provided the catalyst for the Independent Mail system and 1845 postal reform may be neatly, albeit simplistically, categorized as Religion, Politics, Migration, British Postal Reform and Steam Power.

Religion

The Second Great Awakening, starting in the United States around 1800, brought a strong sense of community and purpose among Christians. The American Board of Commissioners for Foreign Missions was chartered in 1812 and immediately began a series of missionary journeys to convert non-Christian populations. Church groups were strong advocates of social reform, including the abolition of slavery and the promotion of peace, suffrage, temperance, Sabbatarianism and charity for the poor.

Christian missionaries believed that the Gospel and their social causes could be better propagated through written communication. Therefore, education in reading and writing became a primary function of traveling missionaries, and, to encourage letter writing and strengthen the ties among Christians, the Cheap Postage movement was eventually promoted as one of their causes.

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Politics

The United States and its post office were still very young when the Independent Mails came into being. In 1843 the end of the American War of Independence was just sixty years in the past. The American system of democratic government was still evolving when the issue of postal reform became a hot subject, and the debate was framed as much more than a matter of simple convenience and cost. Reformers and their opponents believed, or at least asserted, that the outcome would greatly influence the rising nation's future.

With the rise of the populist Jacksonian Democratic Party came a tremendous increase in voter participation. The popular vote more than doubled from 1828 to 1840, and there was a corresponding increase in the volume of letters, printed circulars and newspapers intended to inform and influence the voting public.

The postal system's ability to distribute news was viewed as an important instrument of the American system of democracy. Before electronic media, newspapers and printed matter were the only means to widely disseminate information to the public. They accounted for a significant portion of the postal system's volume, and the cost of carrying this class of mail was heavily subsidized by postage collected on letters, especially those carried on the most profitable routes. Furthermore, postal patronage—the chief executive's prerogative of appointing postmasters—proved to be an effective means of creating party loyalty and installing useful political allies in positions of local prominence throughout the country. Today we might call it a grass roots organization made up of government appointees.

The geopolitical map also factored into the conflict. The demand for cheap postage was concentrated in the Northeast and mid-Atlantic states, primarily from businesses and religious organizations, and especially anti-slavery groups. The northeastern routes generated surpluses that were used to compensate for cost deficits from mail service in the southern and western regions, where low mail volume produced insufficient revenue to cover costs. The stage line subsidies also helped build transportation infrastructure, which had economic and political benefits for the South. It has been estimated that by 1840 nearly 50% of postal revenue in the mid-Atlantic states and 12% in New England were used to subsidize other routes.

The speed of mail and news transport was also an important consideration. The government was sensitive to complaints by Southerners that wealthy Northern businessmen used fast expresses to convey information and take advantage of those who relied on the slower federal mails. One such incident occurred in 1825, when Northern merchants learned of a sharp increase of cotton prices in England and rushed orders to Southern cotton brokers, using rapid private conveyance outside the mails. Sale contracts were written before Southerners learned of the London market reports by regular mail, and the Northerners scored huge profits.

Postal reformers wanted to change the existing government system by reducing and simplifying postage rates, and eliminating franking privileges and subsidies. Independent Mail operators wanted to challenge the postal monopoly and create a private mail-delivery system that was cheaper and faster (on routes of their choosing). They were opposed by postal officials and many congressional representatives who feared the consequences of creating massive operating deficits and dismantling the postal patronage system.

In 1843, when the first Independent Mail route opened, the cost of sending a letter from Philadelphia to Boston by government mail was 18¾ cents, at a time when the average laborer earned forty or fifty cents a day. The Independent Mail companies carried the same letter for five or six cents. This dramatic difference in cost was vigorously promoted by the Independent Mail proponents as a benefit for businesses and the public.

Post Office officials and advocates for the federal postal monopoly viewed competition from Independent Mails and the cry for postal reform as threats to the government's ability to provide mail service. In consequence, they argued, the Independent Mail companies were undermining democracy itself if nationwide postal service could not be provided cost-effectively. The chorus against rate reductions was joined by Southern representatives, who complained that lower postage rates would mostly benefit Northerners, and the deficits those rates created would have to be offset by increasing tariffs and customs duties, which would mostly hurt Southerners.

The free-franking privilege extended to congressmen and postmasters at the expense of the public was also seen as a necessity by advocates for the federal postal monopoly and defenders of high postage rates. They argued that postmasters in remote areas who received little compensation from their postage receipts greatly valued the franking privilege, and that congressmen obligated to correspond with their constituents needed the franking privilege to avoid burdensome postage costs. Opponents took a far more cynical view of these perquisites, and they suspected, not without good reason, that the entire system was tainted by political patronage.

Migration

At the conclusion of the War of Independence, the Confederation's western frontier was situated along the Appalachian mountain chain. Very few whites—mainly fur trappers and traders—inhabited or traveled beyond this boundary, and there was no need for regular mail service in the remote wilderness. The Northwest Ordinance of 1787 and the Louisiana Purchase of 1803 made substantial additions to the United States and pushed the country's frontier border much further west. The completion of the Erie Canal in 1825 created a vital waterway connection between the urban cities and markets of the Northeast and the growing settlements and natural resources of the Great Lakes region. Emigration from England, Ireland, Scotland and Europe created a steady stream of settlers seeking opportunities in the West. In 1843, following the enactment of land grants in the Pacific Northwest, the first major migration on the Oregon Trail brought a large number of settlers and missionaries to this distant American outpost.

Each new wave of migration and settlement increased the mail volume between the Western population and their Eastern correspondents, thereby increasing pressure on the government to subsidize low-revenue-producing routes with surpluses from the lucrative East Coast routes. In 1800 there were 903 post offices and operating expenses were \$213,994. In 1840 the number of post offices climbed to 13,468, and the operating expenses were \$4,718,236, an increase of 15 and 22 times, respectively, over a forty-year period.

British Postal Reform

While religion, politics and migration were shaping the American public's desire and need for postal reform, events across the Atlantic provided the test upon which proponents (and opponents) would make their case.

Rowland Hill, who was knighted by Queen Victoria in 1860, first became interested in the British postal system in the mid-1830s. In 1837 he circulated his famous treatise, *Post Office Reform: Its Importance and Practicability*, and gained the attention of the British government, not all of which was positive. In 1839 Hill's recommendations were put into effect. By February 1840 the basic letter rate was reduced to one penny (two cents) and franking privileges were curtailed. Lettersheets (the "Mulready") and adhesive stamps (the Penny Black and Two-Pence Blue) were issued in May 1840 and met with immediate success (the stamps more so than the lettersheets). The increase in mail volume and (eventually) postage revenues vindicated Hill's reforms. The British Uniform Penny Post became the shining example of the Postal Reform movement.

In June 1840 the spirit of Great Britain's postal reforms inspired the veteran senator and soon-to-be Secretary of State, Daniel Webster (1782-1852), to propose a resolution to reduce postage rates and to effect "the use of stamps, or stamped covers." Webster showed his colleagues examples of Great Britain's new issues, and facsimiles of the Mulready lettersheet and Penny Black were published in the *Senate Resolutions*. Webster's resolution never gained traction, but public agitation for lower postage rates provided the impetus for private express companies to start carrying letter mail.

Steam Power

The practical application of steam power to modes of transportation—steamboats, ocean-navigating steamships and railroad locomotives—contributed to the explosive growth of commerce throughout the United States and across the oceans, beginning around 1815, after the conclusion of the War of 1812. Steam power gradually changed the speed and capacity of American mail transportation systems, and made possible the Independent Mails.

Before the introduction of steam-powered transportation into the federal system of intercity post roads, the Post Office used an extensive network of stagecoach lines and relay stations, infrastructure that was funded through the generous awarding of stagecoach mail contracts in the 1820s. The privately-owned stage companies carried passengers and freight, but thrived on mail subsidies, and the stagecoach industry became a powerful force in the political patronage system.

Wherever necessary, stage routes were augmented by short-distance water transports, such as riverboats and coastal sailing vessels, but traveling against currents or without favorable winds limited the utility of water navigation for mail conveyance. Steam-powered navigation changed all of that, albeit gradually. Steamboats operated by Fulton and Livingston started carrying cargo, passengers and letters entrusted to their captains as early as 1807 on the Hudson River and 1812 on the Lower Mississippi River. However, records indicate that the Post Office Department did not sign any contracts for regular steamboat service until 1824. This delay was caused by a reluctance to take business away from the well-entrenched stage operators, and by concerns that the contracts would be costly due to the leverage of the Fulton-Livingston lines, which had a state-sanctioned monopoly over steam navigation on New York State waterways.

The Act of March 3, 1823, designated all navigable waters as post roads for the purpose of calculating the distance a letter traveled and the correct postage. In 1824 the New York State Supreme Court ruled that the monopoly granted to Fulton and Livingston was illegal, which immediately untethered others to develop steamboat lines throughout the country. Post Office Department records in the same year show the first mail contracts specifically designating steamboat service, and contracts grew from a total of six in 1830 to twenty by 1845.

Following the spread of steam-powered water navigation was the development of steam-engine railroads. Apart from a few trials and short-run lines, the first operational railroads in the United States started service in 1830. The railroad boom of the 1830s and 1840s added thousands of miles of track; by 1844 there were approximately 4,300 rail miles, including 2,500 in New England and the mid-Atlantic states. In particular, the cities of Boston, Baltimore and Charleston spawned a large number of rail lines to counter the rising prominence of New York City after the Erie Canal was completed in 1825, which greatly increased traffic on the Hudson River.

The Act of July 7, 1838, declared that all railroads in the United States were post roads and authorized the postmaster general to contract with railroad companies to carry the mail. The government's assertion of monopoly rights to mail conveyance on railroad lines had loopholes, which entrepreneurial individuals used to justify carrying mail "by express." Thus, by 1843 the stage had been set for the confrontation between the Post Office Department and the leaders of the express business, whose futures and fortunes were tied to the vessels and locomotives of the new age of steam power.

RISE OF THE INDEPENDENTS

Private letter carriers operated in America for more than a century before the Independent Mail era. In some places they provided service where no government postal routes existed, and therefore were perfectly legal. Others surreptitiously carried letters on or near post roads, in violation of postal monopoly laws. The move toward the Independent Mails was not a matter of inventing an entirely new concept; it was more about efficiency, cost and promotion.

As steamboat and railroad lines developed in the 1830s and 1840s, they were able to provide faster and cheaper transportation, and private express agents used them to carry, among other things, bundles of letters, for which the Post Office received no payment. The use of direct transportation routes by water and rail allowed the expresses to bypass the stage lines and relay stations used by the government post. Boat captains and railroad conductors knowingly and unknowingly permitted mail to be carried on their runs, which created an informal parallel postal system. Its existence was anathema to postal officials, who grew extremely concerned over the

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siphoning of revenue from the federal post office and the unfair advantage in communication speed gained by businessmen (Northerners) over others (Southerners) who used the regular mails.

The person credited with organizing the first regular “express” business on railroad lines is William Frederick Harnden (1812-1845), known as “The Original Expressman.” In 1834 Harnden began working for the Boston & Worcester Railroad, first as a conductor on its passenger train and then in the ticket office. Sometime in late 1838 or early 1839, Harnden resigned from the B&WRR and traveled from Boston to New York City to discuss employment opportunities with his friend, James W. Hale, a steamboat agent and owner of the Tontine Reading Room, where newspapers were available and businessmen gathered.

The country was in a severe financial downturn in 1839, and jobs were scarce, but Hale suggested that Harnden could start a service for merchants and bankers by carrying small packages and running errands between New York and Boston. This led Harnden to establish what is considered to be the first railroad express business in the United States, starting with the New York-Boston route.

Harnden’s earliest advertisements appeared in February 1839 and offered to “accompany a Car himself, for the purpose of purchasing Goods, collecting Drafts, Notes and Bills,” and “take charge of all small packages of goods, bundles, &c.” Harnden’s advertisement gave his addresses in Boston (9 Court Street) and New York (10 Wall Street), and stated that departures from both places would be made every Monday, Wednesday, Thursday and Saturday. It made no mention of letters.

Harnden & Company grew to become one of the country’s largest express operations, handling packages, banknotes, specie and other material across a wide network of transportation lines. With the inauguration of Cunard Line transatlantic steam packet service between the U.S. and Great Britain, Harnden took advantage of an opportunity to carry mail by express to meet the steamship arrivals and departures at Boston. For this purpose, the Post Office awarded Harnden a contract to legally carry mail contained in locked bags between Boston and New York City, effectively making Harnden an official U.S. mail agent.

Harnden’s two-year government contract was in effect from July 1, 1839, through June 30, 1841. Months later, Harnden’s contract was renewed under slightly modified arrangements, and he served again as an official U.S. mail carrier from February 22, 1842, through January 31, 1844. Throughout this period, Harnden & Co. continued to run its domestic package express business and transatlantic mail-forwarding services, which facilitated prepayment of transatlantic and overseas postage through the firm’s offices on both sides of the Atlantic. Harnden also developed a business catering to the large influx of immigrants arriving from the British Isles and Europe.

Despite some letter-carrying activity on domestic routes and providing service for transatlantic mail forwarding, Harnden & Co. avoided openly competing with or challenging the government’s monopoly by carrying letter mail in a manner that defied the law. Harnden, who died of tuberculosis in 1845, was cautious about biting the hand that fed him through mail contracts, and he did not want to bear the expense and disruption of defending his firm against government lawsuits and fines. By 1843 he was also much more interested in developing his immigrant-related business. For these reasons, Harnden & Co. is not considered by certain postal historians to be one of the true Independent Mail companies.

Another major force in the express business was Alvin Adams (1804-1877), founder of Adams & Company in 1840. In 1854 Adams & Co. consolidated with seven other firms, including Harnden & Co., to form the Adams Express Company. Although Adams & Co. did not openly challenge the Post Office monopoly by promoting letter-carrying service, as did the Independent Mail companies, the firm clearly used its express routes to transport letters for customers. The company was sued by the government in 1843 for illegally carrying letter mail. Although the court ruled in favor of Adams & Co., the firm was probably loathe to provoke the government again by flagrantly carrying mail. It is also possible that Adams kept a secret hand in the Independent Mail business through his financial interest in various companies. Some postal historians have speculated that Adams might have backed Lysander Spooner and taken over the American Letter Mail Company when Spooner withdrew.

While mail was being covertly carried on steamboat and railroad lines prior to 1843, the Post Office was fretting over lost revenue and the challenge to its postal monopoly. So, what was their response, and what occurred to inspire the rise of the Independent Mails at the end of 1843?

The Post Office’s 1836-1839 Southern Express Mail was launched by Postmaster General Amos Kendall to improve communication speed between major commercial centers and to undermine the influence of newspaper publishers in the Northeast. The 1842 Express Mail between Boston, New York and Albany was Postmaster General Charles A. Wickliffe’s direct response to the carriage of mail by private expresses on railroad and steamboat routes. Neither government enterprise succeeded in thwarting the development and use of private mail conveyance.

Where service enhancements failed, Postmaster General Wickliffe hoped legal action would succeed. One way he attempted to eliminate private transmission of mail was by writing special restrictions in contracts with steamboat contractors. Wickliffe also started investigating and prosecuting express companies for violating the Post Office’s monopoly of post roads, but his plan backfired. The catalyst for the first Independent Mail companies was the November 1843 court decision in the case of *United States v. Adams & Company*, in which Judge Samuel R. Betts (U.S. District Court for the Southern District of New York) ruled in favor of the defendants, concluding that the laws prohibiting the carriage of letters by steamboat operators did not apply to a passenger employed by a private express company. In April 1844 a similar conclusion was reached by Judge Peleg Sprague (U.S. District Court for the District of Massachusetts) in another case, in which private express employees were accused of illegally carrying mail on railroads (*United States v. Kimball*).

These decisions were viewed by entrepreneurs as a green light to start letter-carrying businesses. They also enraged Postmaster General Wickliffe, who vehemently urged Congress to protect the federal postal system by

enacting laws to close the loopholes used by express companies to violate the postal monopoly. However, with public opinion favoring postal reform, legislators became caught up in the debate over rate reductions and postal monopoly versus private enterprise. In the meantime, the Independent Mail companies made quick advances.

The earliest and largest of the Independent Mail operations, which openly advertised letter-mail service in competition with the government post office, was Hale & Company. The firm was founded by James W. Hale (1801-1892) in December 1843, immediately after the decision in *United States v. Adams & Company*. Hale, an experienced expressman and steamboat agent, had come to New York City from Boston in 1836 and worked at Hudson's News Room, which he bought and renamed the Tontine Reading Room. Hale had offered a variety of mail-forwarding services before starting his letter express, and he quickly emerged as the leader, with a vast network of offices and agents, and a purported 60% share of the Independent Mails.

The other major Independent Mail operator was the American Letter Mail Company, also known as the American Mail Company. This firm was founded in January 1844 by Lysander Spooner (1808-1887), a vocal anti-postal-monopoly advocate, abolitionist, and one of Postmaster General Wickliffe's chief antagonists. In defense of his mail-carrying service, Spooner published *The Unconstitutionality of the Laws of Congress Prohibiting Private Mails* in January 1844. Faced with arrests of his employees and onerous government lawsuits, Spooner gave up his role in the American Letter Mail Co. after several months, but the company continued in business until June 30, 1845, the day before the Independent Mails became illegal. Among the Independents, Spooner always considered himself the one true advocate of private mail enterprise and opponent of the postal monopoly.

While Harnden and Adams avoided directly competing with the government, and Hale and Spooner became the first movers in the private letter-carrying business, two other prominent expressmen established major Independent Mail routes extending westward to the Great Lakes region. They were George E. Pomeroy and Henry Wells.

George Eltwed Pomeroy (1807-1886) started his package express business in Albany, New York, in the spring of 1841, and entered into a partnership with Crawford Livingston, Henry Wells and George's brother, Thaddeus Pomeroy. In June 1844 Pomeroy established a separate firm, Pomeroy's Letter Express, for the purpose of carrying letters between Buffalo and New York City via Albany, using the east-west railroad lines and canal boats running along the Erie Canal.

Creating a separate entity was intended to protect the legal express business from lawsuits and fines, and to help Crawford Livingston distance himself from Pomeroy, at a time when the express company was eager to obtain government contracts. Livingston apparently threw Pomeroy "under the bus" by writing to Postmaster General Wickliffe and informing him that he "objected to the carrying of letters by the Express..." assuring the postmaster general that he obeyed all of the laws, and, remarkably, suggesting that the Post Office could hire a special undercover agent to catch one of the offending express messengers (he recommended Lewis Eaton for the job).

Pomeroy officially left the company around this time. It is difficult to say if Pomeroy was pushed out by Livingston, as Livingston would have others believe, or if it was just a clever ruse they used to create separation, so that Pomeroy could operate his Letter Express and Livingston could compete with Harnden without fear of government reprisals.

Henry Wells (1805-1878), the other partner in the Livingston-Wells-Pomeroy package express business, established his own Letter Express in mid-1844 to carry mail west of Buffalo. Using steamboat lines on the Great Lakes and the Central Railroad in Michigan, the Letter Express served the major port cities and intermediate points located on the upper and lower lakes, including Cleveland, Ohio; Chicago, Illinois; Detroit, Michigan; and Milwaukee, Wisconsin. Wells and Pomeroy linked their routes at Buffalo and advertised "through" service to and from New York City. When Pomeroy announced he was discontinuing his letter express in August 1844, it seems that the same offices and agents continued to carry mail along the Albany-Buffalo route under the guise of Wells' Letter Express, and Pomeroy's stamps continued to be accepted for postage.

The Letter Express curtailed most of its letter-carrying activity by the end of 1844, but the latest recorded letter, carried from Detroit to Jackson, Michigan, on the Central Railroad, is dated February 18, 1845, which indicates that the Letter Express was still using railroads to carry letters, even after steamboat conveyance stopped. Wells and another partner, William G. Fargo, went on to establish Wells, Fargo & Company in 1852, perhaps the most famous of all express companies and recognized today as one of the world's largest banks.

Hale, Spooner, Pomeroy and Wells were the four leaders in Independent Mails, while others ran smaller companies that competed with or cooperated with the principal firms. The network of routes, offices and agents they established created a powerful alternative to the federal postal system. Indeed, their success represented the greatest argument in favor of the private intercity mails.

Cost and speed were two advantages of using the Independent Mails, but there were others. Well before the first U.S. postmaster's provisional stamp (1845) and the first general postage issue (1847), adhesive stamps were issued by private local posts and Independent Mail companies. Not only did the Independents start issuing stamps in 1844, they offered a quantity discount—twenty for one dollar instead of 6¼ cents each—which encouraged prepayment. Prepaid postage reduced the need to collect money from addressees and the number of unpaid letters carried to recipients, only to be refused.

Door-to-door service was facilitated through close relationships with or ownership of private local posts, such as the City Mail Company and Boyd's City Express in New York City. Evidence of these collaborations is found on letters with handstamped local post markings or "2" rates indicating an additional two cents for local delivery. A few Independent Mail letters even have local post stamps prepaying the delivery fee.

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MONOPOLY AND THE END OF THE INDEPENDENT MAILS

The public's enthusiasm over greatly reduced postage charges and the convenience, speed and reach of Independent Mails terrified postal officials. They could not take the risk of losing this battle. The time for decisive action had come.

Postmaster General Wickliffe considered the Independent Mail companies to be criminals deserving of prosecution, and he derided the proposals of Cheap Postage and Postal Reform advocates as reckless public policy that would condemn the Post Office to deficits, service cuts and, without the postmasters' franking privilege, the closing of numerous post offices for want of willing appointees. Wickliffe's efforts to enforce his will through the courts failed, because the language of the old statutes was insufficiently specific about the new modes of transportation and their operators' obligations. He urged Congress to rewrite the laws and put teeth into the monopoly protection. Congress acted, but the outcome was not as Wickliffe had hoped.

At the time the Senate was controlled by the Whig Party (52.9% of the vote), and the House of Representatives by the Democratic Party (63.7% of the vote). President John Tyler, though technically a Whig, was struggling without the support of his own party. Tyler had ascended to the presidency after William H. Harrison died soon after taking office, but he quickly collided with Whigs and Democrats, and by 1844 had to withdraw from the election for lack of support. Tyler, a slave-owning Southerner who was publicly accused by Reverend Joshua Leavitt (of Postal Reform fame) of having fathered several children with his slaves, was probably not a fan of postal reform.

The postal reform bill (Senate bill 51, or "S. 51") was introduced on January 22, 1844, by Whig Senator William Merrick of Maryland, chairman of the Committee on Post Offices and Post Roads. The bill was created "to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department." It was revised on February 22.

On January 29, 1844, the House of Representatives authorized the Committee to "inquire if any person or persons have, in opposition to the laws of the United States, established offices, and provided conveyances for transporting letters, papers, and other mail matter, in violation of the regulations adopted by Congress..." About one month later, on February 28, the Committee reported that the postal laws were being "fraudulently evaded, and wantonly violated and defied, and that the government ought without hesitation to interpose its strong arm to arrest, and forever suppress such lawless conduct."

Congress asked Postmaster General Wickliffe to report on the steps he had taken to prosecute the offending private mail carriers. Wickliffe responded on March 30, 1844, with detailed allegations against Lysander Spooner and the American Letter Mail Co., including reference to Spooner's challenge to have his case go before the U.S. Supreme Court, provided that the Post Office would allow Spooner to continue his Independent Mail business until a decision was reached. Wickliffe scoffed at Spooner's impudent request.

Around this time, a no holds barred attack on the Merrick bill was published under the pseudonym "Franklin," which is believed to have been written by Wickliffe. For all of his long-stated reasons and with all of the dire predictions of the consequences should Merrick's bill pass, Wickliffe pleaded to maintain postage rates based on distance and sheets of paper, to leave intact the franking privilege and preferential treatment of newspapers and periodicals, and to make it illegal to carry (for compensation) any kind of mail on any post road. In each aspect of the federal postal system's operations, Wickliffe defended the manner in which it was conducted.

Wickliffe asserted in his "Franklin" monograph and in his official reports to Congress that the Post Office was already facing mounting deficits due to the activities of the Independent Mail companies. If postage rates dropped to the levels under consideration, Wickliffe warned, the Post Office would require financial transfusions from the public treasury to survive. This played to Southerners' fears that the money needed to make the Post Office whole would have to come from the poor farmers and crop brokers of the South, who would be most affected by higher tariffs and customs duties.

S. 51 in its final form was passed by the Senate on April 29, 1844, but the House delayed a vote before they adjourned on June 17, bowing to pressure from Southern and Western interests. Senator Merrick reintroduced his bill in December 1844, and, as procedure dictated, it was assigned a new number, S. 46. The Senate passed it again, and, after several substantive changes, the House approved the bill (Act of March 3, 1845, Ch 43, 2 Stat. 732, 28th Congress, 2d Session). The Act of March 3, 1845, was signed into law by President Tyler on his last day in office, which left the task of implementing the reform measures in the hands of James K. Polk's new postmaster general, Cave Johnson (1793-1866), a Democratic Party congressman from Tennessee and opponent of the Postal Reform movement.

So, who were the winners and losers in the Act of March 3, 1845?

Advocates of postage rate reductions scored a clear victory. The rates were reduced significantly and the distance parameters simplified to two tiers (5¢ under and 10¢ over 300 miles), and the "per sheet" rate was changed to "by weight" (a single rate applied up to a half-ounce). Postal reformers who wanted steeper reductions were disappointed, but six years later the Act of March 3, 1851, brought the rates down further.

The Post Office won its ban on private conveyance of letter mail on post roads (for compensation), but Congress was unwilling to extend the ban to all forms of newspapers, pamphlets, magazines and periodicals, fearing that such power in the hands of the government could be used to control the flow or content of information. The ban on private mail conveyance was worded to encompass all forms of transportation and all inter-city routes served by the Post Office. The relevant sections of the law read as follows:

[Section 9] ...That it shall not be lawful for any person or persons to establish any private express or expresses for the conveyance, nor in any manner to cause to be conveyed, or provide 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 transmittable in the United States mail, except newspapers, pamphlets, magazines and periodicals...

[Section 10] ...That 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 performs 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, and periodicals...

A significant provision of the Act of March 3, 1845, representing a major loss for the stagecoach industry, instructed the Postmaster General to award mail contracts to contractors based on their ability to carry the mail with “celerity, certainty, and security,” regardless of the transportation mode. The purpose of this provision was to shift contracts away from heavily-subsidized (high-cost) stagecoach lines when a postman on foot or horse could get the job done. These routes were marked in the contract ledger with three asterisks for “celerity, certainty, and security,” which gave them their name “Star Routes.” The effect of this provision was to end the Post Office’s role in building and subsidizing the stagecoach network.

Finally, to address problems with the franking privilege, Congress devised an accounting system, in which the Post Office would be reimbursed from the public treasury for franked postage on mail from the executive departments. Congress preserved the franking privilege for itself and postmasters. So, in this respect, the postal reformers who wanted to abolish the free franking privilege lost, and the Post Office (and Congress) won.

From March 3 until the new law’s effective date of July 1, 1845, the major Independent Mail companies continued to carry letters. The last mails were carried on June 30, bringing the short-lived era of Independent Mails to an end. Nonetheless, the fight between private enterprise and the federal postal office continued, not on the intercity roads, rails and waterways, but on the local streets of towns and cities where private local posts continued to carry mail. That war would be fought for another fifteen years, until Congress once again legislated the intracity private posts out of existence.

