

## THE POST OFFICE AND THE RAILWAY.

THE right of domain over its public highways, is one which has been asserted and exercised by every country, whether its roads have been constructed by private and corporate enterprise, or by the State. Upon the turnpikes and canals of England, the mail-coach and the mail-packet pay no toll to the proprietors, though passengers as well as mails are carried; and, in many instances, this exemption of the whole vehicle secures the free conveyance of the mails. Whether such exemption be regarded as the consideration paid for a monopoly, as the purchase money of the franchise, or as a royalty or suzerainty due by the corporation to the rights of the public, as represented by the Crown—so clearly is it in accordance with the common law of England, that when it first became necessary to legislate for the conveyance of mails by railway, in 1838, the committee of the House of Commons recommended that power should be given to the Post Office to run their own engines over the railways, with a limited passenger train, without payment of toll. Upon turnpikes and canals, the carrying business was in the hands of the public, and regulated by wholesome competition; and it was expected that the same principle could be applied to railways. The early enactments, therefore, provided for the admission of the public as carriers upon them, subject to specific regulations. The Post Office also claimed its special train, and the right to carry a limited number of passengers with the mails, free of toll, as on the coaches and packets. When, however, it was seen that the railway was a machine which must be worked as a whole, the Post Office consented to treat with the companies as carriers only—but not as proprietors—to pay the cost of transport of the mails, with a fair profit thereon; but resisted anything like toll for the use of the new highway. The Post Office contended that the monopoly which the railways had acquired, had not been obtained with the consent of the legislature, but in spite of it—by the unforeseen practical working of the system. But another and more serious question arose. The companies must regulate their passenger trains at hours to suit the traffic of each line: the Post Office wished to start the mails at hours to suit the whole public of the Kingdom—as well as the localities. Moreover, the Post