

УДК 347.73+656.80

**REGULATORY PROVISION
OF THE POSTAL REGALIA IN THE RUSSIAN
EMPIRE IN THE SECOND HALF
OF THE NINETEENTH AND
EARLY TWENTIETH CENTURIES**

O. Fedorchenko

Kherson faculty

Associate Professor of Department
of General Law and social and humanitarian disciplines,

Candidate of Historical Sciences,

Odessa State University of Internal Affairs (Ukraine)

e-mail: fedorchenko_ov@ukr.net

O. Shcheglova

4th year student,

National University «Odessa Law Academy» (Ukraine)

e-mail: alexandravladilenovna1997@gmail.com

***Аннотация.** В статье анализируется нормативно-правовое обеспечение почтовой регалии в Российской империи во второй половине XIX — начале XX в. Отмечено, что в Российской империи существовала почтовая регалия в виде государственной монополии без отдачи на откуп. Механизм регулирования почтовой регалии происходил сквозь призму юридической ответственности за посягательство на финансовые права государства.*

***Ключевые слова:** почтовая регалия, монополия, финансовые прерогативы, почта.*

***Annotation.** The article analyzes the regulatory framework of the postal regalia in the Russian Empire in the second half of the nineteenth and early twentieth centuries. It is noted that there was a postal regalia in the Russian Empire in the form of a state monopoly without recourse. The mechanism of regulating the postal regalia took place through the prism of legal responsibility for violation on the financial rights of the state.*

***Keywords:** postal regulation, monopoly, financial prerogatives, post office.*

The state in various epochs resorted to the exclusive right of regalia to constantly fill the state treasury. During the time of existence of the state, each product or kind of activity got into the regalia of the state. Regalia still exists, for example, coin, alcohol, etc.

This situation did not go away the mail of the Russian Empire. This is because the state has set up a stable work, at first, and at the same time, absolutely necessary for social progress and the state of the strategic non-profit industry. It should be noted that in the middle of the nineteenth century, and especially in the late nineteenth cen-

ture, the postal service of the Russian state, unambiguously, brought a profit [1, p. 68]. But the state did not give up its exclusive right to postal communication. It is clear that having the exclusive right to lawmaking, it had to create all the necessary elements that would fix its rules of the game.

Scientists: V. Afanasyeva [2], O. Yemelyanov [3], O. Larina [4], S. Sumenkov [5] and others were engaged in legal issues of regalia of the Russian Empire. Despite this, we can state that the regulatory framework of the postal regalia in the Russian Empire weakly attracted the attention of researchers. Taking into account this historiographical situation, the purpose of the article is to investigate the regulatory framework of postal regalia in the Russian Empire in the second half of the nineteenth and early twentieth centuries.

There were no clearly defined legislative mechanisms for the implementation of financial prerogatives in the Russian Empire [4, p. 15]. The same thing concerned the postal regalia. Postal and Postal-telegraphic charters (adopted respectively in 1853 and 1912) operated in the empire, but they did not specify the exclusive right of the state to postal [6; 7]. It seems that the postal regalia was a priori. However, the state vigorously guarded its financial prerogatives. How did she do it? In the absolute monarchy, which the Russian Empire was, virtually all legal activities of subjects of different backgrounds were carried out through the prism of legal responsibility, and not through the system of permissions and prohibitions. Such principle as «You can only what is explicitly permitted by law» was acting. Therefore, in Chapter 18 of the «Regulations on the Punishment of criminals and corrected criminals» (hereinafter referred to as the «Regulations ...») of 1845, Chapter XI of «Violation of the Charter of the Post Office» (in the edition of 1885 «On violation of the charter of postal and telegraphic services») was existed [8; 9].

Scientists distinguish two ways to implement regalia: the first — the mechanism for the implementation of exclusive law (the establishment of a monopoly); the second — the existence of redemption [4, p. 18]. Postal regalia in the Russian Empire was a monopoly, and therefore there were no postal institutions other than state ones. The land postal service is not accepted. It functioned only in rural areas, where the state did not want to organize postal communication.

So let's turn to the «Regulations...». In our exploration, we will rely on the latest edition of 1885; we do not register any significant changes in Chapter XI of «Regulations ...» since forty years. Thus, eight articles of the 41 articles of Chapter XI of «Violation of the postal and telegraph regulations», «Regulations ...» of 1885 (the articles that provided for liability for violations of the rules governing telegraph communication did not take in the calculations) provided for punishment for an attack on a monopoly right of the state to financial receipts.

The key article in the formation of the postal rule of the Russian state is the Art. 1114. It provided for punishment for the organization of a private post office. In essence, she outlined the postal monopoly of the Russian Empire. It is doubtful that the article was used frequently. It was simply impossible to join the system of the state postal pipeline. Creating a parallel network of postal institutions and stations was meaningless, as it would immediately attracted the attention of the relevant authorities. Penalties for violation of this article were stipulated rather strict: a fine ranged from 50 to 100 rubles and the liquidation of the institution (for comparison, the postal salary amounted to 144–276 rubles per year [1, p. 167]) for each month of the institution's existence. Therefore, assuming that there is a need for a network of institutions for the activity of private mail, for which, in case of disclosure, it was necessary to pay a fine, the organization of such case looked rather risky, moreover, adventurous.

However, it should be noted that in the south of the empire at the end of the nineteenth century there was «Jewish mail». It operated not through the established private postal institutions, but through trade networks of Jewish families. The government was not unsuccessful in fighting with such post [2, sh. 15].

Let's select offenders. The first group are the employees of the Communications Office (Art. 1120, 1122 of «Regulations ...»). Such an opportunity was often given to the posters, which actually was written in Art. 1120. They had the opportunity to receive, without outside eyes, correspondence from the addressee to deliver it to the addressee during accompaniment by postal transport, bypassing the franking¹. Post and telegraph officials could receive a certain payment from the addressee without registering correspondence.

The second group are the persons from which the activity of the mail (owners, conductors and caretakers of post offices) was depended in one way or another (Art. 1113). The abovementioned persons had even more opportunities than the posters to carry out unlawful actions. This was aided by awareness of the transport logistics of postal transport.

The third are the addressees (Art. 1123, 1224), who naturally wanted to reduce their costs. The most common offense was the fact that individuals with a simple correspondence² sent money, and with parcels letters.

The fourth group are the officials of other departments (Art. 1125). Often they sent private correspondence with the state correspondence or under the guise of the state. It is clear that postal expenses were covered from the budget of the official office.

¹ Franking — payment in advance for transportation and delivery of postal matters.

² By the obligation of Postal Telegraph Office mail in Russian empire was divided in ordinary and insurance correspondence. Dispatching insurance correspondence cost more as Communications Office was obliged to compensate the mailing sum in case of its loss or damage.

The fifth group are individuals who created private post offices (Art. 1114).

The sixth group are the persons who crossed the border of the Russian state with the sea (Art. 1126) and, on the principle of «occasions», secretly carried mail.

Let's stopped on the types of legal liability for violation upon the postal monopoly. Administrative liability was the basis. The following liability measures were foreseen: fines; deprivation of the right to maintain dividends and transport; elimination of illegally organized post office; confiscation of mail, including money (the postal and telegraph service officer who exposed this action received 1/4 of the amount that was forwarded). The liaison officers were subject to disciplinary liability, measures of which were: reduction in the post; release.

Thus, in the Russian Empire there was a postal regalia in the form of a state monopoly without recourse. The mechanism of functioning of the postal regalia was specifically regulated. This happened due to the prism of legal responsibility for violation on the financial rights of the state. The main type of punishment was a fine, which was supposed to compensate material loss of the state.

List of the main sources

1. Федорченко, О. В. Розвиток поштового зв'язку в Таврійській і Херсонській губерніях наприкінці XIX — на початку XX ст. : автореф. дис. ... канд. істор. наук : 07.00.01 / О. В. Федорченко ; Херсон. нац. тех. ун-т. Херсон. — Миколаїв, 2011. — 387 с. [Вернуться к статье](#)

2. Афанасева, В. И. Привилегия как источник исключительного права в процессе становления и развития патентного права России X–XIX вв. (историко-правовое исследование) : автореф. дис. ... д-ра юрид. наук : 12.00.01 / В. И. Афанасева. — М., 2007. — 39 с. [Вернуться к статье](#)

3. Емелянов, А. С. Становление и развитие института привилегий в российском законодательстве в XVI–XVIII вв. : автореф. дис. ... к-та юр. наук : 12.00.01 / А. С. Емелянов. — Курск, 2015. — 24 с. [Вернуться к статье](#)

4. Ларина, О. Г. Система финансовых прерогатив государства в России второй половины XVII – начала XX веков (историко-правовое исследование) : автореф. дис. ... д-ра юрид. наук : 12.00.01 / О. Г. Ларина. — М., 2011. — 48 с. [Вернуться к статье](#)

5. Суменков, С. Ю. Привилегии и иммунитеты как общеправовые категории : автореф. дис. ... к-та юрид. наук : 12.00.01 / С. Ю. Суменков. — Саратов, 2002. — 26 с. [Вернуться к статье](#)

6. Уложение о наказаниях уголовных и исправительных 1885 года / издано Н. С. Таганцевым. — СПб., 1892. — 796 с. [Вернуться к статье](#)

7. Уложение о наказаниях уголовных и исправительных. — СПб. : Типография Второго Отделения Собственной Его Императорского Величества Канцелярии, 1845. — 898, [XVII] с. [Вернуться к статье](#)

8. Устав почтово-телеграфный (Из Свода Законов, т. XII, Ч. 1). Издание журнала «Почтово-телеграфное Ехо». — СПб. : Художественно-Графическое Ателье и печатня, 1914. — 63 с. [Вернуться к статье](#)

9. Устав почтовый // Свод Законов Российской империи. Т. XII. Ч. 1. — СПб., 1857. — С. 1–94. [Вернуться к статье](#)