

United States Vs. Atchison, Topeka and Santa Fe Ry. Co.

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Court : US Supreme Court

Decided On : Apr-14-1919

Appeal No. : 249 U.S. 451

Appellant : United States

Respondent : Atchison, Topeka and Santa Fe Ry. Co.

Judgement :

United States v. Atchison, Topeka & Santa Fe Ry. Co. - 249 U.S. 451 (1919)
U.S. Supreme Court United States v. Atchison, Topeka & Santa Fe Ry. Co., 249
U.S. 451 (1919)

United States v. Atchison, Topeka & Santa Fe Railway Company

No. 201

Argued March 11, 12, 1919

Decided April 14, 1919

249 U.S. 451

APPEAL FROM THE COURT OF CLAIMS

SYLLABUS

The Act of March 4, 1913, c. 143, 37 Stat. 791, 797, authorizing the Postmaster General to add, not exceeding 5 percent per annum, to the compensation of railroads, under certain pending contracts for transportation of mail, left the increases, within that limit, to his discretion; the plain import of the words used must control. P. [249 U. S. 454](#) .

52 Ct.Clms. 338 reversed.

The case is stated in the opinion.

Page 249 U. S. 452

Memorandum opinion by MR. JUSTICE Mc REYNOLDS.

During 1910 and 1911, the appellee railway company entered into customary arrangements with the Post Office Department to carry mail over a number of routes for quadrennial terms ending June 30, 1914, and 1915, compensation

Page 249 U. S. 453

to be based upon ascertained weights. While these were in force, by Act of August 24, 1912, c. 389, 37 Stat. 557, Congress directed establishment of the parcel post service without providing for any additional compensation on account of the large increase in weights which would surely follow.

The Postmaster General called attention to the matter January 20, 1913, and after much consideration, the following clause was incorporated in the Act of March 4, 1913, c. 143, 37 Stat. 791, 797:

"That, on account of the increased weight of mails resulting from the enactment of section eight of the act of August twenty-fourth, nineteen hundred and twelve, . . . the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July first, nineteen hundred and

thirteen, for the remainder of the contract terms, not exceeding five percentum thereof per annum, excepting upon routes weighed since January first, nineteen hundred and thirteen, and to be readjusted from July first, nineteen hundred and thirteen, until otherwise provided by law."

Acting under this provision, the Postmaster General refused to allow increased compensation of five percentum upon all routes, but apportioned payments among them-never in excess of five percentum -- according to a carefully worked out formula which he deemed appropriate. Appellee sued for the difference between amount actually received and what it would have received if five percentum had been added. Considering history of the legislation and intent of Congress supposed to be indicated thereby, the Court of Claims held that the act

"required the Postmaster General to add five percent to the compensation being paid on all of said routes, and, he having failed to do so, that the plaintiff is entitled to recover the difference sued for."

Atchison, Topeka & Santa Fe Ry. Co. v. United States, 52 Ct.Clms. 338, 361.

Page 249 U. S. 454

We are unable to agree with this conclusion. The language of the enactment is clear and we think it vested in the Postmaster general a discretion which, so far as shown General a discretion which, so far as shown not unmindful of the burden imposed upon appellee nor of the circumstances which lend color to a different conclusion; but these are not sufficient to justify a disregard of the plain import of the words which Congress deliberately adopted.

The judgment below must be reversed and the cause remanded with direction to dismiss the petition.

Reversed and remanded.