

THE SUPREME COURT AND THE POST OFFICE.

BY THE EDITOR.

THE decision of the Supreme Court concerning the reduced book rate of literature that appears in periodical publications is disappointing not so much in the interests of the publishing business as in the interest of the public, and still more so in consideration of the good judgment of the Supreme Court.

It is significant that the Supreme Court decision has been considerably weakened by the dissension of the Chief Justice himself who is joined by Justice Harlan. The two dissenting judges insist that the law classifying mail matter means just what the Post Office department for sixteen years held it meant and what Congress meant when it enacted it and the Chief Justice quoted from the speech of Mr. Cannon (now Speaker of the House) when the bill was passed, showing that the publications of the character referred to should be carried by the mails at a reduced rate. The intent of Congress, he said, was further shown by the fact that, although repeatedly urged to change the law, it had always refused to do so. The ruling of Postmaster-General Payne changes the sense of the law, and this amounts practically to making new laws which ought not to be encouraged or approved.

The intention of the law which allows reduced rates to newspapers, magazines, and all periodicals is obviously to facilitate instructive information. The privilege of a reduced rate is limited to periodical literature to the exclusion of books, because it is not the intention to give special advantage to the book trade or the luxury of elegant editions. The law reads as follows:

"The conditions upon which a publication shall be admitted to the second-class are as follows:

First. It must be regularly issued at stated intervals, as fre-

quently as four times a year, and bear a date of issue, and be numbered consecutively.

"*Second.* It must be issued from a known office of publication

"*Third.* It must be formed of printed paper sheets, without board, cloth, leather, or any other substantial binding, such as distinguish printed books for preservation from periodical publications

"*Fourth.* It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts or some special industry, and have a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be so construed as to admit to the second-class rate regular publications, designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of March 3, 1879, Sec. 14, 20 Stats., 359, Sec. 277, P. L. & R., 1893.)"

The statement cannot be more explicit, and many prominent publishing houses of this country have republished in periodical form works of English classical literature, thus opening a valuable source of information to the people by furnishing the best productions of the foremost authors of the world in cheap form, but our postal authorities have made a discrimination against books, and they define "a book" by any publication that is possessed of completeness, while "a periodical" contains a variety of articles and is characterised by a lack of completeness. This interpretation of the meaning of "book" has been adopted by the Supreme Court. The Supreme Court should have inquired into the meaning of the law which contains a plain definition of what is to be understood by books. The law reads that a publication to be admitted to the second-class rate of transportation "must be formed of printed sheets, *without board, cloth, leather, or other substantial binding such as distinguishes printed books for preservation from periodical publication.* The Post Office clerks have substituted their own definition for that of the law, and the Supreme Court has adopted that of the Post Office clerks.

Instead of appreciating that publications of the better and more refined literature are not only not excluded but should be made more acceptable and should enjoy at least the same right as newspaper information, the postal authorities have thrown them out for the very reason of a feature which constitutes their superiority. They claim that on account of their "completeness" they are not newspaper information but "books" and so they have deprived the public of a most valuable source of self-education, and, strangest of all, they are supported by the Supreme Court.

The decision ignores both the letter of the law and the spirit of the law. It simply falls back upon the meaning of the words "periodical" and "book" as ordinarily understood. The Supreme Court declares :

"A periodical, as ordinarily understood, is a publication appearing at stated intervals, each number of which contains a variety of original articles by different authors, devoted either to general literature or some special branch of learning, or to a special class of subjects. Ordinarily each number is incomplete in itself and indicates a relation with prior subsequent numbers of the same series."

The decision is unjust because it is against the law ; it is unwise because it discriminates against books for the very reason of their being superior to periodical literature ; and thus it frustrates the main intention of the law.

The study of books has the tendency to make readers systematic and methodical, for books, as a rule, offer a thorough treatment of the subject to which they are devoted. They are possessed of completeness. Periodicals, on the contrary, suffer from incompleteness and thus are apt to make the readers that depend mainly upon them for information incoherent in their thought and superficial in their judgment. Reading of periodical literature is wholesome only if accompanied by proper book-study. Our people are overfed by newspaper reading. Let them have also good book reading, and make good books more accessible.

We hope that the decision of the Supreme Court will lead to a revision of our postal laws, for a reform of our postal service is much needed.

We have great confidence in both the ability and courage of President Roosevelt. He has the best intentions to do what is right, and, at any rate, we trust that finally the cause of reform must win.