

THE JUSTICE OF OUR CONTENTION.

WE TRUST that hundreds of our subscribers in all parts of these United States have written letters or postal cards (or gotten up petitions) for the protection of the *public's* rights under the laws as they are, and as they have existed for thirty years. Each one is responsible in this matter. Let each do his duty, and then be content with the results whatever they may be. We urge all who appreciate the present law, and who have not already done so, to send a letter or card at once. See page 367 of last issue. We give below our Appeal, which has been unjustly refused.

Allegheny, Pa., U.S.A., October 11, 1901. James A. Grier, Esq., Postmaster, Allegheny, Pa. Dear Sir: –

Your favor of the 4th is at hand, enclosing a copy of the Hon. E. C. Madden's instructions to your office, citing us to show cause, as the publishers "why the *Millennial Dawn* series should not be excluded from second-class rates of postage, on the ground that it has the characteristics of a book."

To this we reply: That the term "book" is a very broad one. In legal usage a "paper book" is a pamphlet which may vary in size from five to five hundred pages. In the usage of the United States Patent Office the term "book" is applied to any pamphlet or printed matter of one page or upwards. In the usage of the United States Post Office, ever since the establishment of the second-class, the term "book" has been applied only to printed matter substantially bound – in cloth or leather.

A reference to Webster's Unabridged Dictionary and the Standard Dictionary shows the original distinction between the terms "pamphlet" and "book" to have been that a pamphlet consisted of a number of sheets of paper stitched together, not

substantially bound, nor too cumbersome to be held in the hand; while the term "book" applied to literature in substantial binding, and particularly to such as was too heavy for use in the hand.

In modern usage the rulings of the United States Post Office during the past thirty years, that any [R2917 : page 374] printed document in substantial binding, whether of few or of many pages, constitutes a book, while the same pages unbound constitute a pamphlet, have become practically a law. Nor can we conceive of a better method of distinction between books and pamphlets than this. Under this law, as it has been interpreted, we think wisely, justly, the binding, and not the number of pages, decided the matter. To change this arrangement, and to deny that the binding distinguishes what is a book from what is a pamphlet, and to arbitrarily decree that a certain number of pages should constitute a book, while a less number would constitute a pamphlet, would involve the Department in an inconsistency, should it attempt to decide as heretofore that pamphlets could not be such if put up in substantial binding, though acceptable as to number of pages.

Respecting the issues of our journal, known as the "*Millennial Dawn*" series of special issues. These have been issued under the present laws of the United States since 1886. They are of different-sized pages from our regular issues, and were put into this form for the greater convenience of our readers. They each represented several issues of our semi-monthly, Post Office rulings to the effect that one issue could not bear date as representing several having been promulgated since any of these pamphlets issued.

We hold that these pamphlets are entirely within our rights under the law; that nothing in the law in any sense of the word restricts us, either as respects the number of pages or the size of the page. These back numbers of our journal are constantly in

demand amongst our subscribers and their friends, and [R2917 : page 375] any restriction of our rights and privileges as heretofore construed and as defined under the law will make serious hardship and righteous indignation amongst these over twenty-five thousand intelligent adults whose case we represent in this paper.

The fact that these special issues of our journal have a colored cover, while our regular issues have not, should not be construed as a violation of the law, because there is no law governing the subject, except the restriction that the cover should not be a substantial one. As a matter of fact, the leading journals of this and every land are in the habit of issuing, especially in the holiday season, special numbers, which usually have colored covers, as well as other features distinguishing them from the regular issues.

Moreover, the Post Office Department has for years recognized as second-class matter what is known as the "Official Postal Guide," issued monthly under various colored covers, and ranging in pages from 32 to 1132. It will not do to say that this is a Government publication, for that would not be true; the most that can be said for it is that it is a publication very convenient to the Post Office Department, one which saves the Government from getting out a publication of its own. But even if it were a Government publication, what jurist would undertake to say that the Government is superior to its own laws, and that the law governing the meanest citizen does not govern also the highest one, and every official and every act of the Government? If the annual issues of the "Postal Guide" are not books, but pamphlets, then surely the *Millennial Dawn* series of special issues of our journal, less than half the size of the annual "Postal Guide," are also pamphlets and not books.

Are we told that the Post Office Department could frank the "Postal Guide," and thus send it through the mails free? We reply that it can not; because there is no law of the United States permitting them so to do. Before this could be done it would be necessary that Congress should pass a law to that effect. Likewise, of course, Congress could pass a law permitting all religious matter to go through the mails free, but we do not anticipate that Congress will ever pass either of these laws. The publishers of the "Postal Guide" can as well afford to pay postage as can other publishers throughout the United States.

Further, we submit that no law-making power claims to enact retroactive laws, that will go back of the time of their making, and take hold upon legal transactions of the past. If, therefore, the United States Post Office Department should now or at any time conclude that it has the right and the power to make new laws and regulations these, in all justice, must take hold as for the future, and can not in any sense of the word affect our vested rights as represented in electroplates and large editions of our special issues published under the full sanction of the law and of the Post Office Department. At very most, the new law or regulation could forbid us from henceforth publishing such special editions of our journal, or otherwise regulating as respects the number of pages, whether they shall be cut or uncut, and whether they must be of uniform color as to cover.

In the above plea we have made no claim for preference of consideration on the ground of our publications being strictly religious, because, although we believe that this plea would have weight in the minds of all moral and well-intentioned people, we prefer to stand strictly upon the basis of our rights under the law.

We understand that under the new law the Post Office Department intends henceforth to restrict lodge and society publications to literature or news, prohibiting the publication of

advertisements. We wish to call the attention of the Department to the fact that our journal and its special issues would all come under this head also. Our subscribers are recognized as members of our Society – the Watch Tower Bible and Tract Society, chartered by State of Pennsylvania, and our publications contain no advertisements whatever, but are strictly confined to Biblical exegesis, cultivation of good morals, and in general the publication of the Gospel – "good news," "good tidings" – the message which is new every morning and fresh every evening, and which more than any other news in the world is helpful to, not only the Lord's people, but in general to civilization – "Good tidings [news] of great joy, which shall be unto all people."

Trusting for a just and generous consideration of our plea foregoing, we remain, Respectfully yours,

Watch Tower Bible & Tract Society.
