

Smith Vs. Payne

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Court : US Supreme Court

Decided On : Apr-11-1904

Appeal No. : 194 U.S. 104

Appellant : Smith

Respondent : Payne

Judgement :

Smith v. Payne - 194 U.S. 104 (1904)

U.S. Supreme Court Smith v. Payne, 194 U.S. 104 (1904)

Smith v. Payne

No. 481

Argued March 10, 1904

Decided April 11, 1904

194 U.S. 104

APPEAL FROM THE COURT OF APPEALS

OF THE DISTRICT OF COLUMBIA

SYLLABUS

What are periodicals and second class matter decided on authority of *Houghton v. Payne, ante*, p. [194 U. S. 88](#) .

This was also a bill, filed by the firm of Street & Smith, to enjoin the Postmaster General from cancelling certain certificates of entry admitting the publications of complainant firm to the mail as second-class mail matter. This case took the same course as the preceding one.

MR. JUSTICE BROWN delivered the opinion of the Court.

Plaintiffs are the publishers of several different series of novels under the names of The Columbia Library, The Bertha Clay Library, The Magnet Detective Library, The Medal Library, The Undine Library, The Eden Series, The Arrow Library, and some others. The books of these series are apparently of an inferior class of literature, and are numbered consecutively; but the only thing to indicate that they are issued periodically is a notice upon the outside of the back cover, in small type, that they are weekly or semi-monthly publications.

The considerations moving us to affirm the decree of the court of appeals in the case of *Houghton v. Payne*, just decided, apply with much greater persuasiveness to this case, and the decree dismissing the bill is therefore

Affirmed.

MR. JUSTICE HARLAN and the CHIEF JUSTICE dissent in this case for the reasons stated in their dissenting opinions in *Houghton v. Payne, ante*, p. [194 U. S. 88](#) , and *Bates & Guild Co. v. Payne, post*, [194 U. S. 106](#) .