



Assignment of Error

July 26, 1917

Masses Publishing Co. v. Patten

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MASSES PUBLISHING COMPANY, :
Complainant, :
against : IN EQUITY
T. G. PATTEN, Postmaster of the : E 14-225
City of New York, :
Defendant. :

Comes now the defendant and files the following Assignments of Error upon which he will rely upon his appeal from the interlocutory decree made by this Honorable Court on the 26th day of July, 1917, in the above entitled cause:

First: That the Court erred in holding that the August, 1917, issue of "The Masses" was not nonmailable matter within the meaning of §1 Title XII of the Act of Congress approved June 18, 1917.

Second: That the Court erred in not holding that the August, 1917, issue of "The Masses" was nonmailable matter within the meaning of §1 Title XII of the Act of Congress approved June 18, 1917.

Third: That the Court erred in holding that the August, 1917, issue of "The Masses" was not nonmailable within the meaning of §2 Title XII of said Act.

Fourth: That the Court erred in not holding that the August, 1917, issue of "The Masses" was nonmailable within the meaning of §2 Title XII of said Act.

Fifth: That the Court erred in overruling the decision of the Post Office Department that the said August, 1917, issue of "The Masses" was nonmailable matter within the meaning of Title XII of said Act.

Sixth: That the Court erred in granting the motion for an injunction pendente lite as prayed for in the bill of complaint herein.

Seventh: That the Court erred in not denying the motion for an injunction pendente lite as prayed for in the bill of complaint herein.

WHEREFORE appellant-defendant prays that the decree of the said Court may be reversed and in order that the foregoing assignments of error may be a part of the record the appellant-defendant presents the same to the Court and prays that such disposition may be made thereof as is in accordance with law and the statutes of the United States in such matter made and provided.

All of which is respectfully submitted.

FRANCIS G. CAFFEY,
United States Attorney
for the Southern District of
New York,
Attorney for Appellant-Defendant.

Dated, New York, July 26, 1917.