



Judge Learned Hand Order

July 26, 1917

Masses Publishing Co. v. Patten

United States of America, ss:

The President of the United States of America,

To the Honorable the Judges of the District Court of
the United States for the SOUTHERN
District of NEW YORK.

GREETING :

Whereas, lately in the District Court of the United States for the
Southern District of New York, before you, or some
of you, in a cause between Masses Publishing Company and T. G. Patten,
as Postmaster, etc., an order was entered in the office of the clerk of
said court on the 26th day of July 1917, in the words and figures fol-
lowing, to wit:-

"This cause having duly come on to be heard this term upon
motion duly made for a temporary injunction herein upon the bill of
complaint duly verified and filed and upon the affidavits of Max East-
man and Merrill Rogers, each duly verified and filed herein on behalf
of complainant, and the affidavits of the Hon. A. S. Burleson and the
Hon. William H. Lamar, on behalf of the defendant, and Gilbert E. Roe,
Esq., appearing as counsel for the complainant in support of said motion
and Earl B. Barnes, Esq., Assistant United States District Attorney
appearing on behalf of the defendant and after due deliberation it is

Ordered, adjudged and decreed that the motion for the temporary
injunction herein be and the same hereby is granted and the said
defendant, his agents, servants and employees, is hereby restrained
and enjoined from treating the August 1917 issue of said magazine known
as "The Masses" as non mailable matter, and the said defendant,
his agents, servants and employees hereby are commanded forthwith to
transmit said issue of said magazine known as "The Masses" through the
mails from the New York Post Office on the usual way, without further
delay.

Further ordered that the complainant's bond herein (under the
Clayton Act) be and hereby is fixed at two hundred and fifty dollars.
Dated New York July 26, 1917.

LEARNED HAND, UNITED STATES DISTRICT
JUDGE."

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK.

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MASSES PUBLISHING COMPANY, :
:
Complainant, : E 14-248.
:
-vs- :
:
T. G. PATTEN, Postmaster of the :
City of New York, :
Defendant. :
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On reading and filing the annexed consent and
on motion of Francis G Caffey, United States Attorney,
Solicitor for the defendant, it is hereby

ORDERED that the above entitled suit be and
the same hereby is discontinued without costs.

Crampton
U. S. D. J.

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