

Postmaster General
Letter to Hon. Halver Steenerson
Chairman, House Committee on Post Office and Post Roads
August 18, 1919
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**1. Halver Steenerson, Chairman, House Committee on Post Office and Post Roads,
Letter to Postmaster General, August 14, 1919**

August 14, 1919

The Honorable
The Postmaster General
Washington, D.C.

Dear Sir:-

Does the term "letters and packets," in the statutes referred to in Sections 1289 and 1305 of the Postal Laws and Regulations (1913), include postal cards and post cards, and does it include any of the mailable matter now mailable as third-class matter, such as letters and circulars unsealed?

Yours very truly,
Halver Steenerson

**2. J.C. Koons, Acting Postmaster General, Letter to Halver Steenerson, Chairman,
House Comm. on Post Office and Post Roads, August 18, 1919**

August 18, 1919

Honorable Halver Steenerson
Chairman, Committee on the Post Office and Post Roads
House of Representatives

My dear Mr. Steenerson:

I have the honor to acknowledge receipt of your letter of the fourteenth instant, inquiring as to whether the words "letters or packets," appearing in the statutes incorporated in the Postal Laws and Regulations (1915) as Sections 1289 and 1305, include postal cards and post cards, and any of the mailable matter now mailable as third class matter, such as letters and circulars unsealed.

I do not find that the phrase "letters or packets" appears in Section 1305, of the Postal Laws and Regulations, and evidentially that was not the Section intended to have been referred to by you.

Answering your inquiry, so far as it relates to Section 1289, commonly referred to as the "private express" statute, I have to advise you that this Department has construed all matters within the weight limit for first class matter, in the nature of communications, whether written or printed and sealed or unsealed, as "letters" within the meaning of the law. (See U.S. v. Denicke, 55 Fed. 407-09; U.S. v. Gaylord, 17 Fed. 438-440; U.S. v. Bromley, 53 U.S. 88-97.)

There is a species of third class matter, however, the status of which with respect to the "private express" statute is not so clearly settled as would be desirable; that is to say, pamphlets, magazines, newspapers, and the like; for, while an opinion to the President rendered by Attorney General Nelson, dated November 15, 1845 (IV Op. 276) held that newspapers, magazines and pamphlets were embraced in the phrase "letters or packets," yet, the Circuit Court of Appeals for the Eighth Circuit, in an opinion by District Judge Polleck, in the case of Williams vs. Wells Fargo & Company Express, 177 Fed. 352, 101, C.C.A. 328, 55 L.R.A. (N.S.) 1034, 21 Ann. Cas. 699, interpreted "packet" to mean a letter containing more than three sheets, stating that to have been the original and historical definition of a "packet."

An examination of this case, however, will show that newspapers, magazines and pamphlets were not involved in the decision, but that the definition of "letters and packets" was given for the purpose of demonstrating that parcels of merchandise were not embodied thereby, so that it may be looked upon to some extent as obiter dicta.

This Department has not attempted to assert a monopoly in the carriage of mail matter other than that of the first class, included unquestionably in the phrase "letters and packets," but inasmuch as the statute referred to is a criminal one, its construction is within the province of the courts and the Department of Justice.

Very truly yours,
J.C. Koons
Acting Postmaster General