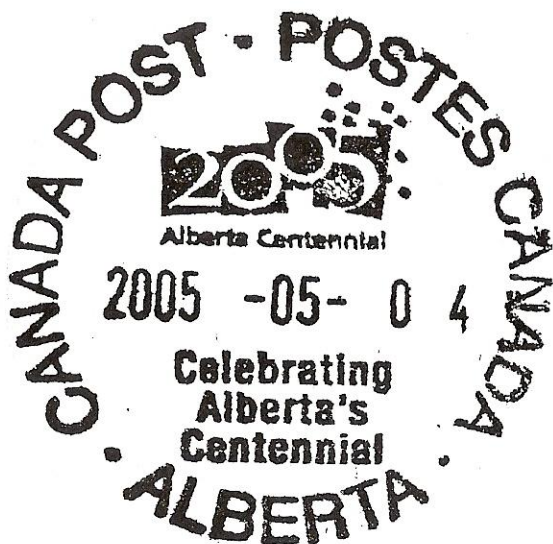


CALGARY PHILATELIST

Issue 72

June 2005



This postmark is a limited-edition commemorative available only at selected Canada Post ceremonies during Alberta's centennial year of 2005. However, there are about 300 others from post offices across Alberta, available by sending SASEs to the postmaster. To see illustrations of them on-line, you can go to www.canadapost.ca/personal/collecting and then click on Cancels.

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Articles or advertisements for Calgary Philatelist should be sent to the Editor, Box 6830, Calgary, Alberta, Canada, T2P 2E7. Small ads are free to paid-up CPS members. Display ads are \$10 per full page per issue for camera-ready copy (photographs extra). No partial-page ads accepted.

Membership dues for the season are \$15, plus an initiation fee of \$10 for new members. Send to the CPS, Box 1478, Calgary, Alberta T2P 2L6. Notice of address changes or enquiries about missing copies should be sent to the Membership Chairman, not the Editor.

The CPS mailing address is Box 1478, Calgary, Alberta, T2P 2L6. The Web site is: www.calgaryphilatelicociety.com All articles as hard copy only, mailed to Box 6830, Calgary, T2P 2E7, or handed to Dale Speirs at meetings.

The CPS was founded in April 1922 by Dr. Edward George Mason. It is Chapter 66 of the Royal Philatelic Society of Canada, Chapter 1360 of the American Philatelic Society, and Chapter 91 of the American Topical Association.

A cumulative subject index from issue #1 to date for the CALGARY PHILATELIST exists but because of its length is too long to be published in this bulletin. A copy can be had for free from the editorial address at Box 6830.

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by Dale Speirs

Introduction.

Austria issued the first postal card in 1869, although the idea was initially proposed in 1865 in the North German Confederation [1]. In 1870, Britain followed suit, Canada in 1871, the USA in 1873, New Zealand in 1876, and so forth [2]. The idea quickly spread around the world. Postal cards were an instant success and used in the millions from the get go. The initial impetus of postal cards was that they were cheaper than letter mail and one could quickly dash off a message and drop it into a letter box without the trouble of hunting for a stamp. They were the Papernet's anticipation of e-mail. Business people were quick to take advantage as postal cards were an easy way to advertise or send receipts.

A distinction must be made between postal cards and postcards. The former are government issued, with an imprint of a stamp to pay the postage. The latter are privately issued without stamp indicia and usually with a pictorial scene. Originally postal cards were cheaper than letters and postcards, but nowadays in most countries they pay the same postage. In this essay, I have tried to keep the distinction clear, but many reports in old newspapers used the terms interchangeably and it is not always possible to distinguish which form they were writing about. Ambiguous pre-1900 reports are probably postal cards, as the big boom in postcards did not get underway until the century turned.

Like any new technology, it didn't take long for the hackers to show up. Court cases soon erupted involving dunning postal cards or scurrilous messages that the recipient considered as libel. In Britain, only ten days after the postal card was introduced on 1870-10-01, the Lord Mayor of London, who also sat as a judge, was quoted about libellous and obscene postal cards [64]. Twelve days after postal cards were brought out there, George Street laid a complaint about a postal card that falsely accused his business firm of advertising fraud [66].

Publication And Privilege.

Although libel occurs at the moment that a scurrilous message is sent, in actual practice it is not actionable unless it can be shown that others saw it besides the sender and recipient. If a third party sees it, then it is grounds for a libel case. The defence against a libel charge is that it is the truth and/or that it is a privileged publication that the sender had a right to publish. Court decisions over the centuries have established that a sealed letter is a privileged publication if it is not seen by a third party such as a post office sorter, an office secretary who opens the business mail, a household servant who could see it on a desk while dusting, and

so forth. An 1880 legal reference [78] summed up the basic law: “*To send a libel on a post card, inasmuch as the writing on this species of missive is to open to the inspection of other persons besides the individual to whom it is addressed, will of course render the writer liable either to an indictment or an action.*” It is not required for the plaintiff to prove that a third party actually read it, only that it could have happened. In theory, a defendant could be acquitted if he could prove that every postie and servant along the chain of transmission did not read the libellous postcard, but this would require a ridiculous amount of work to locate all such people and get depositions from them.

Shortly after the introduction of postal cards, libel cases about messages on them began appearing in the courts around the world. The courts quickly agreed that a postal card was a publication but was not privileged because its message could be read by a third party in transit or in the recipient’s home or office. They added that a special circumstance was that the sender could just as easily have sent the message by a sealed letter. The postal card was considered to be the same in law as a telegram, for which there was abundant previous case law on libellous telegrams [50, 71]. It was well established by 1890 and earlier that a privileged publication must be made by a reasonable mode of communication. The courts soon stipulated that it is not reasonable to send privileged messages by postal card instead of a sealed letter [77]. An 1871 comment was that: “*If a man wishes to abuse you, and is not anxious that others should see it, it is surely not too much to require him to pay a penny for a stamp and put the abuse under cover.*” It is nowadays presumed in the courts that the act of sending a scurrilous message on a postcard is malice in itself [4].

There was some initial inconsistency, and at least one early judge in England held in 1871 that a postal card was a privileged publication [5]. This was in a case of a tradesman applying for a summons against someone who sent a postal card challenging his honesty. The judge would not issue a summons, saying that a postal card was not a publication. This was an aberration and was not followed elsewhere. The claim that postcards were privileged was tried at least once in modern times, in a 1967 case in Puerto Rico [6]. The sender admitted the postcards were libellous but asserted that the U.S. Post Office had no right to intercept them because they were privileged. The U.S. District Court disagreed.

By the 1890s a scurrilous postcard was presumed to have been read by a third party simply because it went through the postal system [7]. Human nature being what it is, this presumption was widespread. In 1877, one American post office sorter had his salary reduced because he kept reading messages on postal cards [9]. French posties instituted a work-to-rule campaign during labour troubles in 1924, including weighing every letter, verifying every letter had correct postage, and reading postcards for scurrilous messages [11]. In 1935, during the run-up to

American elections, the Postmaster-General James Farley issued a special order to posties prohibiting them from reading postal cards that were issued as straw ballots by newspapers or magazines [10].

The same thing happened in the home and office. In 1873 a business magazine grumbled: “*Hotel owners, and others keeping several servants, complain that their employees lose much time in reading the messages on the cards.*” [8]. An 1890 comment [73] was that: “*Servants are curious as a rule concerning their master’s affairs, and it is expecting too much of human nature, particularly when not accompanied by education, to expect that they will not profit by these postcards and extract from them what information they can.*”.

If a scurrilous postcard message is not readable by the average postie, or by office staff or family members at a recipient’s address, then it is not actionable as libel. It may be actionable on other grounds such as violation of postal laws or uttering a threat. If the postcard message is written in a secret code, in a foreign language not spoken in the area, or is unlikely to be understood by a third party from its context, then it is not referable to the courts [12]. To sue for a message in a foreign language, it is necessary to show that the sender knew or should have known that a third party could read the language. In Canada, it is automatically the law that all such postcard messages in English or French are actionable [13]. The USA is officially anglophone, but with its high percentage of Hispanics, it would not be surprising to learn that in a southwestern state a scurrilous message in Spanish is actionable.

The context also matters. A message that might be libellous to the recipient, who knows the background of the story, can appear perfectly innocent to a third party. In a 1903 case in Ontario, Canada, a tax collector sent a postal card to a third party saying that another individual was an “S.B.” and should pay the delinquent bill [14]. The taxman was sued because the plaintiff interpreted this as “son of a bitch”, which is usually abbreviated “s.o.b.”. The court held that a reasonable person would think of “S.B.” as personal name initials, and that the message was innocent to third parties.

Dealing With Postcard Libel.

Locating the source of anonymous postcard libels is usually not that difficult. It is mostly a matter of finding out who the recipient has been on bad relations with, whether a business deal gone wrong, a fired employee, or a divorce. Postmarks and handwriting are the standard methods of tracing the origin of such postcards. A 1906 case in Edinburgh, Scotland, involved the break-up of a social club [75]. A woman formerly of that club was on the losing side of a power struggle, and was expelled. She sent to the new club leader a postcard with a defamatory message

written in disguised handwriting. However, the message referred to internal affairs of the club that she would have known but not any outsider, and thus her identity was established.

Interception of abusive postcards has been done by the USPS since 1881 on written request by the recipient [51]. In that year, the Postmaster General advised the public that persons receiving abusive postcards from a known person or place can send a written request to either the originating or receiving post office to destroy the postcards without delivering them.

Libel is usually prosecuted under either criminal law or civil torts, but some countries have additional postal laws addressing the matter. In the USA, a law was passed by Congress in 1873, amended 1876, prohibiting indecent or scurrilous language on postal cards [50]. A century later, a man was prosecuted in 1973 for sending scurrilous postcards, not under libel law but a postal law prohibiting such messages and authorizing the USPS to intercept them [15]. This law was overturned by the appeal court on the grounds that it was vague and overly broad, and was eventually repealed in 1990.

Criminal Libel.

There is inconsistency in the historical record as to whether a given case of postcard libel was prosecuted as a criminal matter or a civil tort. It appears to be an arbitrary decision. A civil case might assess higher damages but not leave the defendant with a criminal record. Some libellous postcards resulted in prosecution under postal or obscenity laws. In such cases, it may have been a matter that the recipient knew he could not prove injury or had a similar intemperate background himself. In such circumstances, someone wishing to hit back without the expense of hiring a barrister could instead complain to the public prosecutor on the basis of non-libel laws and let the government carry the expense.

A criminal libel case arising from intemperate postal cards was an English case in 1873 where an uncle sent a postcard to a niece at her place of work, falsely accusing her of immoral behaviour [45]. He did not approve of women working outside the home. She lost her job. The jury found him guilty, and because he had a prior criminal record (for poisoning racehorses!) he was sentenced to two years and fined £50.

In New York City in 1874, Moses Chamberlain was arrested by police for sending libellous postal cards to two men, accusing them of being swindlers and thieves [52 to 54]. The police took the case to a grand jury and got an indictment. Chamberlain later forfeited \$15,000 bail for non-appearance, but was eventually tried and convicted by jury.

The adage “Neither a borrower or lender be” was demonstrated in England in an 1877 case where an elderly widow had loaned her niece’s husband some money. He got into debt anyway, and pawned his wife’s jewellery for further cash. The widow redeemed the jewellery from the pawnbroker, and with her niece’s agreement kept it herself where the husband couldn’t get at it. His response was to send libellous postal cards to the widow’s brother, accusing her of theft. The trial was for criminal libel, not a civil tort, and he was sentenced to one year of imprisonment [43 and 44].

In 1900, a Toronto man prominent among local dog fanciers was arrested for sending postcards to owners of lost dogs telling them they could find their dog at a certain pet store [56]. The implication was that the store owner was getting his stock by snatching pets off the street. A year later, also in Toronto, a lumber dealer who sent a postal card to an Orillia, Ontario, lumber dealer, was charged with sending an obscene message [57]. He had used the words “damn lie” in the message and the recipient filed a complaint with police under the obscenity law instead of claiming libel.

The Ku Klux Klan revived in the USA during the early 1950s. Prosecutors, among other things, used criminal libel laws to get at some of the Klansmen. In 1951, Thomas L. Hamilton of Leesville, South Carolina, was indicted for mailing libellous postcards to a state legislator which defamed a newspaper publisher [58]. The following year a Florida Klansman named Bill Hendrix was indicted for sending scurrilous postcards to various people in Florida and Washington, D.C. which abused certain Florida politicians and the newspaper columnist Drew Pearson [59 and 60]. The grand jury that indicted Hendrix said that the postcards were too libellous to be part of public court records.

[to be continued]

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PHILATELIC LITERATURE REVIEWS

by Leanteri Polvikoski

Mailboxes: Urban Street Furniture In Canada by Bianca Gendreau (Canadian Postal Museum Paper #3, full-colour coffee-table paperback, 51 pages) is a general history of street mailboxes in Canada. It illustrates the variety that have adorned curbs and poles since 1859. The Museum has more than 150 street boxes in its collection!

La Posta (2005 Feb/Mar) (US\$33 per year from La Posta, 33470 Chinook Plaza, Suite 216, Scappoose, Oregon 97056) Bimonthly postal history magazine, with articles in this issue on a Canadian letter sent from the Boer War to Ohio via London, cats on advertising covers, post office closures, and a continuing series of biographies of the PMGs of the USA. The major article in this issue is the postal history of the Manhattan Project and subsequent atom bomb tests in post-war Pacific Ocean. A very tough field to collect, what with all the high security.

FUN IN PHILATELY

From the CPS Yahoo discussion group, Dave Russum offers the following anecdote, posted 2005-03-05.

"I'm the only philatelist in our household, so I was beginning to wonder about the onset of dementia as three pairs of tongs disappeared in rapid succession. I eventually discovered that my youngest son was using them to feed mealy worms to his geckos! Moral of the story: Don't buy mint stamps from me for a while as they may be a little slimy!"

AS OTHERS SEE US

The noted book collector A. Newton Edward wrote the following in 1918 in his book THE AMENITIES OF BOOK COLLECTING:

"But, generally speaking, we [book collectors] are a bearable lot, our hobbies are usually harmless, and ... we try to show an intelligent interest in another's hobby, even if it happens to be a collection of postage stamps."

2005/2006 DUES

The Membership Director is Isobel Attrell. She would appreciate it if members pay their next year's due during the summer, as this alleviates a lot of work in the September renewal rush. Please mail the \$15 dues to her at the CPS, Box 1478, Calgary, T2P 2L6. (Do not mail to the editorial address at Box 6830, which is only for small ads and articles.)

AIRMAIL AT JUNE MEETING

At the June meeting, which is also the election meeting, Nino Chiovelli from Edmonton will be the guest speaker. He will be discussing Canadian airmails, including recent flights.

CANADA POST AT MAY MEETING

At the regular May meeting, we were fortunate enough to have a presentation by Teresa Williams from the Foothills Division of Canada Post. She discussed the 2005 stamp issues of Canada and some of the background behind them. She also mentioned the Alberta centennial postmark programme; more than 300 Alberta post offices have commemorative postmarks for the 100th anniversary of Alberta this year. She also had her own personal commemorative postmark made up, which she only uses at philatelic ceremonies and presentations such as the CPS enjoyed. Many of the club members had brought along covers to be cancelled with this rare postmark; see the front cover of this issue for an illustration. So you see, it pays to come out to the meetings!

SPRING BOURSE REPORT

by Janice Brookes

The weather was great! We had a good dealer turnout and eight frames of non-competitive exhibits. Those who entered exhibits for the first time were able to get critiques from other club members. The auction was well attended and had lots of bidding. CALTAPEX is next, coming this October. We will probably be going with an Alberta 100th year 2005 centennial theme. See you all at the Kerby Centre! Thanks again to all my volunteers, especially those working so hard on our Royal 2006 Royale committee. Amazing stuff happening there!

THE CPS ON-LINE

Jan van Staden is now the club's new Webmaster. He has set up a new location with our own club name. The Website is at www.calgaryphilatelicsociety.com Jan has done an excellent job of getting the new site up and running, and adding new features and revising old ones. If you haven't been there yet, go take a look.

The CPS also has a discussion group at Yahoo. It is for paid-up members only, so spammers and flammers aren't a problem. It is for discussion of club business and news, buy/sell/trade philatelic material, or to publicize what type of material you are bringing to auctions or putting in circuit and private treaty books. For details, see Dale Speirs at meetings; he can enroll you if you give him your real name (no Internet alias) and e-mail address.

2005 EDMONTON SPRING SHOW PALMARES

At the Edmonton Spring National Show on the weekend of April 1 to 3, Calgarians did very well. They had about one-third of the frames, and took awards as below, including most of the major special awards. Congratulations to our Cowtowners for showing the Edmonton people how it's done!

Special Awards:

Jim Taylor	St. Pierre & Miquelon	ESC Grand Award APS Best Member
Jon Johnson	Canadian Hospitals	Best One-Frame PHSC BNA History
Bradley Harris	Canada Bill Stamps	American Revenue Assoc. Silver
Earle Covert	Tobacco Duty Paid	American Revenue Assoc. Bronze
Orrin Esau	Got A Nickel?	BNAPS Youth Award

Gold:

Jim Taylor	St. Pierre & Miquelon 1857-1937
Jon Johnson	Canadian Military Hospitals At Sea

Silver:

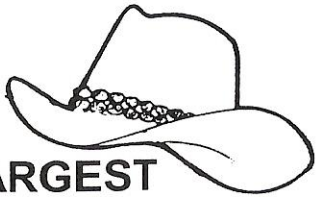
Earle Covert	Not All The Mail Gets Through
Earle Covert	Tobacco Duty Paid
Steve Davis	USA Transport Issue
Orrin Esau	Got A Nickel?
Orrin Esau	Track And Field
Bradley Harris	Canada Bill Stamps
Donna Trathen	Horse Breeds

Silver-Bronze:

Steve Davis	Skymasters Stamps
Jess Weatherhead	Development Of Trains
Leah Weatherhead	Elephants
Jenny Hutton	Penguins And Birds Of Prey
Patricia Prevey	Who Gives A Hoot?

Bronze:

Norma Neilson	Lloyds Coffee House
Earle Covert	Postcards of Byron Harmon



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SMALL ADVERTISEMENTS

These ads are free to paid-up CPS members, and will also appear on the CPS Website at no additional cost. Mail your ads to Dale Speirs, Box 6830, Calgary, Alberta, T2P 2E7, or hand them to me at meetings.

NOTE TO INTERNET VIEWERS: Unless stated otherwise, telephone numbers are area code 403. Alberta is on Mountain Time. Any advertiser can be reached through the CPS e-mail at calphilso@shaw.ca, but please allow time for forwarding to offline members.

WANTED: Collector of stamps, books, and history. Special interest in submarine material. Contact Wayne at 295-3275 or kingwi@shaw.ca

FOR SALE: Canadian plate blocks and mint stamps at face value. Call Henning at 271-2596.

WANTED: Canadian military covers and postcards with hospital ships (white with red crosses). Contact Jon Johnson at 253-8411 or jcjperfin@hotmail.com

WANTED: Tanna Tuva, especially covers. I used to have a few and now starting over. Phone Keith at (780)437-1787 (Edmonton)

COLLECT Christmas or owls? I have just completed updated checklists for both topics. Willing to share for just the cost of photocopying and postage. Contact Pat at 238-3435.

WANTED: Owl stamps worldwide. Cash or trade. Call Pat at 238-3435.

WANTED: Stamp show catalogues, Canadian and international shows. The older the better. Please contact Ed at 274-0021 or harrise@shaw.ca

WANTED: Advanced collector of World Wildlife Fund (anything with the panda logo) stamps, postally-used covers, FDCs, postcards, maximum cards, even cookie cans. Top dollar paid! Phone Jan at 251-1769.

WANTED: Private collector pays cash for larger stamp collections. Phone Willi at 239-2273.

TRADE: Need automotive work done on your car? Let's trade my labour for your stamps that I need. I am a licenced mechanic with 20+ years experience. Phone Doug Kollar at 547-3838.

FOR SALE: Ukrainian and Russian stamps new and used. Also Ukrainian FDCs and special cancels from 1991 to date. Call Andy at 236-2037.

WANTED: Stamps and covers from China to 1949, People's Republic of China, and Taiwan. Special interest in overprints and bulk lots. Prefer postally used. Call Penny at 686-2662 or pkborrowman@yahoo.ca.

WANTED: Calgary Stampede philatelic memorabilia. I collect all phases of this fascinating field. You may have just the cover or cancel I need. Cash or generous exchange. Call Ed at 274-0021 or harrise@shaw.ca

TRADE: Asia: Japan, Singapore ... British: GB, Ascension to New Zealand, and South Africa ... Europe: Scandinavia, Germany, France, Switzerland ... to trade based on Scott catalogue. Call Joe at 277-7006

WANTED: USA stamps, MNH, VF. Singles, sets, and sheets between 1980 and 2004. Paying face value plus exchange rate and GST. Call Bob at 257-1942 or email bob.dahl@shaw.ca

FOR SALE: Stamps of Australia, fine used. Up-to-date issues of the last couple of years, stamps and miniature sheets, good selection. Call Michael Teekens at 286-7927

WANTED: Used postcards with messages on them written in secret code. Contact Dale Speirs at general meetings.

COMMITTEES

Archives	Dale Speirs	701-0174
Auctions - regular	Doug Kollar	547-3838
- silent	Jim Senecal	547-7681
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Circuit books	Mike McPhail	239-9730
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Membership	Isobel Attrell	294-0935
Private Treaty books	Gerry Vader	293-0158
Programmes	Penny Borrowman	686-2662
Publicity	Marg Hunt	274-2259
Sergeant-At-Arms	Dave Russum	284-4775
Webmaster	Jan van Staden	285-1874

MEETINGS AND SPECIAL EVENTS

2005

June	1	Election meeting
	5	Sunday bourse
	15	Auction
August	5	Deadline for September bulletin
September	7	General meeting
	7	Deadline for October bulletin
	21	Auction
October	5	General meeting
	14 to 16	CALTAPEX 2005
	19	Auction
November	2	General meeting
	2	Deadline for December bulletin
	16	Auction
December	7	Christmas social

MEETINGS and AUCTIONS are at the Kerby Centre, 2nd floor, 1133 - 7 Avenue SW, at 19h30. Auction lots should be in before 19h30 to allow bidder viewing

SPRING STAMP SHOW and CALTAPEX are held at the Kerby Centre, main floor, 1133 - 7 Avenue SW. Details from Janice Brookes at 251-1769.

SUNDAY BOURSE is at Palliser Community Centre, 2323 Palliser Drive SW, from 10h00 to 16h00. Details and table rentals from Bill Szaroz at 337-3260.

CALGARY REGIONAL GROUP OF BRITISH NORTH AMERICA PHILATELIC SOCIETY meets second Wednesdays. For details about meeting places and times, contact Ed Harris at 274-0021.

CALGARY ASSOCIATION OF PHILATELIC EXHIBITORS meets fourth Wednesdays. For details, contact Jim Taylor at 238-3698.