

v.29F, no.14-45

UNITED STATES *v.* HILBURY.

*District Court, E. D. South Carolina.*

January 11, 1887.

1. POST-OFFICE—INTERCEPTING AND OPENING LETTERS—DELIVERY—“IN CARE OF.”

The words, “In care of P. Kressel,” on a letter directed to A., indicate that it is to be delivered through Kressel; they mean that A., and not Kressel, is the person to whom the letter is to go.

2. SAME—REV. ST. U. S. § 3892.

One who, with the purpose of obstructing a correspondence, or of prying into the secrets of the person to whom a letter is directed, takes the letter from the party in whose care it is sent through the mails, and opens it, is guilty of the offense dened in Rev. St. U. S. § 3892, and liable to the penalty therein denounced.

Indictment under Rev. St. U. S. § 3892, for intercepting and opening letters.

*Asst. Dist. Atty. Furman*, for the United States.

*W. M. Thomas*, for defendant.

SIMONTON, J., (*charging jury.*) The evidence on the part of the government, not denied by defendant, shows that one Henry Merrick is keeper of the life-saving station on Morris island, Charleston harbor, defendant being one of his crew; that all letters, official and personal, for Merrick, come to the Charleston post-office, directed to the care of F. Kressel, who keeps a shop in that city. When any of Merrick’s crew come to the city they call at Kressel’s for Merrick’s letters. The two letters in question were left by a letter carrier at Kressel’s, directed to “Keeper Life-saving Station, Morris Island,” care of F. Kressel. The defendant called for them, and at once opened and read them. It is charged that he had no authority to do this. Defendant denies this charge.

The attorney for defendant has requested the judge to charge the jury that, as the letters were directed to the care of Kressel, and were delivered to Kressel, the defendant cannot be convicted under this section, as the letters had passed out of the custody of the post-office department. Your inquiry is, to whom were these letters directed? Did the defendant open them before they were delivered to the person to whom they were directed? If, therefore, you find that these letters had been in the post-office, or in the custody of a letter carrier, and had been left at

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Kressel's, to be delivered to the keeper of the life-saving station, no one had a right to break the envelope but the person to whom, not to whose care, they Were directed, or some one acting under his authority to do so. The words on the letters, "In care of F. Kressel," indicate that they were to be delivered through Kressel. They do not mean that he is the person to whom the letters were directed. The keeper of the life-saving station was the person to whom the letters were directed; and if the defendant opened them before" they were delivered to him, and so opened them without authority, you can find him guilty under this section, (*U. S. v. McCready*, 11 Fed. Rep. 225,) if his purpose was to obstruct the correspondence, or pry out the business or secrets of the keeper.