

UNITED STATES *v.* WOODWARD.

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

January 6, 1891.

OBSTRUCTING MAILS—INTENT.

A postmaster carried the mail to a station in a bag, and, while waiting for the train, laid it on a truck, and walked down the track to see some bricks unloaded from a car. On his return he met defendant, the owner of the bricks, who began quarreling with him as to the manner of unloading them, and finally struck him. By-standers separated them, and the mail was duly delivered to the train on its arrival. *Held* that, before defendant could be convicted of obstructing the mails, the jury must believe that he knew his acts would have that effect, and intended that they should.

Information for Obstructing the Mail.

*Abial Lathrop*, U. S. Atty.

*M. B. Woodward* and *W. Q. Davis*, for defendant.

SIMONTON, J. The defendant was on trial for knowingly and willfully obstructing or retarding the passage of the mail. The evidence for the prosecution was to this effect: The postmaster at Monticello, S. C, who is also railroad and express agent at that point, had carried the mail-bag to the station to meet a train. He was about 10 minutes ahead of train time. He placed the mail-bag on a truck, and went about 100 feet down the track, to see some bricks unloading from a car. On his return towards the bag he met the defendant, the owner of the bricks, who began quarreling with him about the manner of unloading them. During the quarrel defendant struck the postmaster. By-standers interfered, and they were separated. The train coming up shortly afterwards, the mail was duly and safely delivered. The defendant, having taken the stand, told his side of the quarrel. Being asked by the district attorney if he did not see the mail-bag, and did he not know that the postmaster was there on his official business, and that he was obstructed in it, he answered that he did not know or think anything of the mail. The jury

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were instructed that in order to convict the defendant they must believe from the testimony that he knew that his acts on that occasion would have that effect, and that he performed them with the intention that such would be their operation. *U. S. v. Kirby*, 7 Wall. 486. The jury found defendant not guilty.