

Central Trust Co. Vs. Central Trust Co.

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Court : US Supreme Court

Decided On : Feb-21-1910

Appeal No. : 216 U.S. 251

Appellant : Central Trust Co.

Respondent : Central Trust Co.

Judgement :

Central Trust Co. v. Central Trust Co. - 216 U.S. 251 (1910)

U.S. Supreme Court Central Trust Co. v. Central Trust Co., 216 U.S. 251 (1910)

Central Trust Company v. Central Trust Company of Illinois

No. 86

Argued January 18, 1910

Decided February 21, 1910

216 U.S. 251

APPEAL FROM THE CIRCUIT COURT

OF APPEALS FOR THE SEVENTH CIRCUIT

SYLLABUS

The management of the post office business has been placed by Congress in the hands of the Postmaster General and his assistants, and the Postal Laws and Regulations provide for the delivery of mail where two or more persons of the same name receive mail at the same post office.

While the benefit of one's legal name belongs to every party, individual or corporation, it may at times be necessary and proper to look beyond the exact legal name to the name by which a party is customarily known and addressed in order to properly deliver mail to the person to whom it is addressed.

The findings of fact by officers in charge of the several departments of the government are conclusive unless palpable error appears.

In this case, the First Assistant Postmaster General having made an order directing delivery of mail addressed to Central Trust Company, Chicago, to the Central Trust Company of Illinois instead of to a South Dakota corporation having the name Central Trust Company, *held* that there was not enough clear right shown by the latter company to justify the setting aside of the order by the court.

152 F. 427 affirmed.

On June 22, 1906, the Central Trust Company, a corporation

Page 216 U. S. 252

engaged in the mining, promoting, real estate, and trust business, filed its bill in the Circuit Court of the United States for the Northern District of Illinois to compel the defendant Frederick A. Busse, postmaster at Chicago, to deliver to it certain mail matter which it claims it was entitled to receive, and which he wrongfully delivered to the defendant the Central Trust Company of Illinois. Demurrers to the bill were filed, which were sustained, and the bill dismissed. On appeal to the United States, Circuit Court of Appeals for the Seventh Circuit, the decree of dismissal was affirmed, and thereupon the case was brought here on appeal.

The allegations in the bill are that, on or about April 17, 1897, the complainant was created a corporation by the State of South Dakota under the name and title of "Central Trust Company," and was authorized by said state to establish an office and hold directors' meetings in Chicago; that, on or about that date, it established an office in Chicago on the corner of Monroe and La Salle Streets, and began to carry on its business, though without any express authority from the State of Illinois, and continued to do so up to and including February 7, 1903; that in August, 1902, it applied to the Secretary of State of Illinois for a license to do business within that state, and complied with all the statutory requirements for foreign corporations desiring to do business within the state; that, owing to a contest made before the secretary of state by the Central Trust Company of Illinois, the granting of said license was delayed until February 7, 1903, at which time it was granted, and that from that date complainant has continuously conducted its business in Chicago at the office and under the above-stated name; that ever since its coming to Chicago, it has received through the post office a large amount of mail matter addressed to it by simply its name.

The bill further alleges that the defendant the Central Trust Company of Illinois is a corporation chartered by the State of Illinois on or about July, 1902, and engaged in a general banking and trust business at No. 142 Monroe Street, in

Page 216 U. S. 253

Chicago; that its first place of business was at the corner of Dearborn and Monroe Streets, but, about the beginning of the year 1906, it removed to No. 142 Monroe Street, where it has ever since remained.

The bill still further alleges that, from 1897 to 1901, the name of complainant appeared in the Lakeside directory, a directory of general circulation in Chicago, and recognized as a reliable and authoritative publication; that, while its name was omitted from the directory for 1902, the omission was due to a mere error by the publishers of the directory, and was through no fault of the complainant; that said directory for 1902 was not published and issued until after defendant the Central Trust Company of Illinois had filed its articles of incorporation.

It also appears that complaint having been made to the Postmaster General of the action of the postmaster at Chicago in reference to the delivery of the mail received at Chicago, an order was made by the First Assistant Postmaster General in these words:

"January 10, 1903."

"The Postmaster, Chicago, Ill."

"Sir: I am in receipt of information to the effect that a letter was delivered to Mr. Pfau, a representative of the Central Trust Company of South Dakota, which contained remittances intended to protect checks drawn on the Central Trust Company of Illinois; that Mr. Pfau, instead of returning the letter promptly to the post office for delivery to the trust company for which it was intended, returned it to the sender, thereby jeopardizing his credit. Mr. Pfau well knew that the deposit was intended for the Central Trust Company of Illinois."

You are hereby directed to deliver mail addressed "Central Trust Co., Chicago, Ill.," without the addition of the street, box, or other designation to indicate that it is intended for the South Dakota Company, to the Central Trust Company of Illinois, and request that company to return to you promptly for delivery to the Central Trust Company of South Dakota all

Page 216 U. S. 254

letters falling into their hands intended for the company represented by Mr. Pfau.

"Very respectfully,"

"(Signed) R. J. WYNNE"

" *First Assistant Postmaster General* "

The prayer of the bill is that the defendant Busse be restrained

"from delivering mail addressed 'Central Trust Company' without the street address of this complainant thereon, or some other mark thereon indicating for

whom the same is intended, or with the street address 'corner of La Salle and Monroe Streets,' to the defendant Central Trust Company of Illinois, and restraining the Central Trust Company of Illinois and its cashier, the defendant William R. Dawes, from receiving and opening said mail so described. "

Page 216 U. S. 259

MR. JUSTICE BREWER delivered the opinion of the Court.

The management of the great post office business of the country is placed in the hands of the Postmaster General and assistants. Rev.Stat. 388, 389, 396. In the discharge of his duties as Postmaster General, he has assigned to the First Assistant Postmaster General "the preparation of decisions as to delivery of ordinary mail, the ownership of which is in dispute." Postal Laws and Regulations, 1902, 17, par. 9. The question here presented is whether, the First Assistant Postmaster General having directed the postmaster at Chicago to deliver to the "Central Trust Company of Illinois," defendant herein, mail matter addressed "Central Trust Company, Chicago, Ill.," without any further designation of the party for whom it was intended, the courts are, upon the facts as presented, justified in setting aside that order and directing the delivery of such mail to the complainant. It is not always easy to determine for whom a letter is intended. In furtherance of the effort to secure delivery of mail matter to the proper party, pars. 3 and 4, 634, and pars. 4 and 5, 645, of Postal Laws and Regulations, provide:

"SEC. 634, Par. 3. When a postmaster is in doubt as to the identity of the addressee, he may require proof, and should exercise great care, especially where mail matter appears to be of value, to make proper delivery."

"Par. 4. Where two or more persons of the same name receive mail at the same office, the postmaster should advise them to adopt some address or means by which their mail may be distinguished. Postmasters will deliver such matter according to their best judgment, and will not return it to the mailing office for better description of the addressee until, after inquiry, they are unable to determine to whom it should be delivered. "

"SEC. 645, Par. 4. Attempts to secure the mail of an established house, firm, or corporation through the adoption of a similar name should not be recognized. Where disputes arise between individuals, firms, or corporations as to the use of a name or designation, matter addressed to a street, number, or building should be delivered according to such address. When not so addressed, the mail will be delivered to the firm or corporation which first adopted the name of the address at that place."

"Par. 5. When in doubt as to the firm or corporation for which any mail matter is intended, and claim therefor is disputed, postmasters will withhold delivery, and report the facts and any statements made by either claimant to the First Assistant Postmaster General, for advice."

Appellant contends that its legal name is "Central Trust Company," while the legal name of defendant is "Central Trust Company of Illinois;" that therefore it has a right to have mail directed to "Central Trust Company, Chicago," without further designation, delivered to it, rather than to defendant. The argument primarily is that every corporation is entitled to the legal benefit of its own name; that, when that name appears on mail matter as the party addressed, and nothing else is shown, the postmaster has simply the ministerial duty of making a delivery to that corporation, and that a failure to discharge this ministerial duty can be corrected by the courts.

While in a certain sense it is true that the benefit of one's legal name belongs to every party, individual or corporation, yet that may not be the name by which it is customarily known or addressed, and, of course, the object is and must be to deliver the mail matter to the party for whom it is intended. In the determination of this it may often be necessary to look beyond the exact legal name. Many things may have to be considered, and the action of an officer charged with that duty should not lightly be disturbed by the courts, and only when it is clear that a mistake has been made or a wrong

done. Initials are often used, abbreviations made, words left out. The number of letters delivered to the respective parties and the disposition made by each of those received may cast some light upon the question, for while a party for whom a single letter is intended has a right to receive it, yet the number of letters, taken in connection with the amount of business apparently done by the recipient, may well suggest for whom any given letter was intended, and the action taken by the recipient, when, as here, each knows of the existence of the other, may show its good or bad faith in dealing with the post office. So, also, the character of the business done may be considered. Where a corporation is engaged in the banking business, letters from other banks will point to it as the intended recipient, while, if it is a real estate corporation, letters from real estate firms will indicate differently. And so we might go on and mention other things which, while by not means conclusive, tend to throw light on the matter.

We have had occasion to consider the effect of findings of fact by officers in charge of the several departments of government, and the accepted rule is that those findings are conclusive unless palpable error appears. *Bates & Guild Co. v. Payne*, [194 U. S. 106](#) , and cases cited in the opinion; *United States ex Rel. Parish v. MacVeagh, Secretary, &c.*, [214 U. S. 124](#) , [214 U. S. 131](#) . In *National Life Insurance Company v. National Life Insurance Company*, [209 U. S. 317](#) , it appeared that the Post Office Department had made a special order in reference to the delivery of mail, and the court was asked to correct that order. In denying this application, the Court, by Mr. Justice Peckham, said (p. [209 U. S. 325](#)):

"The appeal made by the complainant to the department was really nothing but an appeal to its discretion. . . . Assuming that the court in some cases has the power to, in effect, review the determination of the department, we do not think this is an occasion for its exercise. The complaint is really appealing from the discretion of the department to the discretion of the court, and the complainant has no clear

legal right to obtain the order sought. See *Bates & Guild Co. v. Payne*, [194 U. S. 106](#) -108."

"A court in such case ought not to interfere in the administration of a great department like that of the Post Office by an injunction, which directs the department how to conduct the business thereof, where the party asking for the injunction has no clear right to it."

We do not deem it necessary to consider other questions discussed by counsel, for, upon the facts presented and for the reasons stated, we are of opinion that there is not enough to show such clear right in the complainant as justifies the setting aside of the order of the First Assistant Postmaster General.

The decree is therefore

Affirmed.