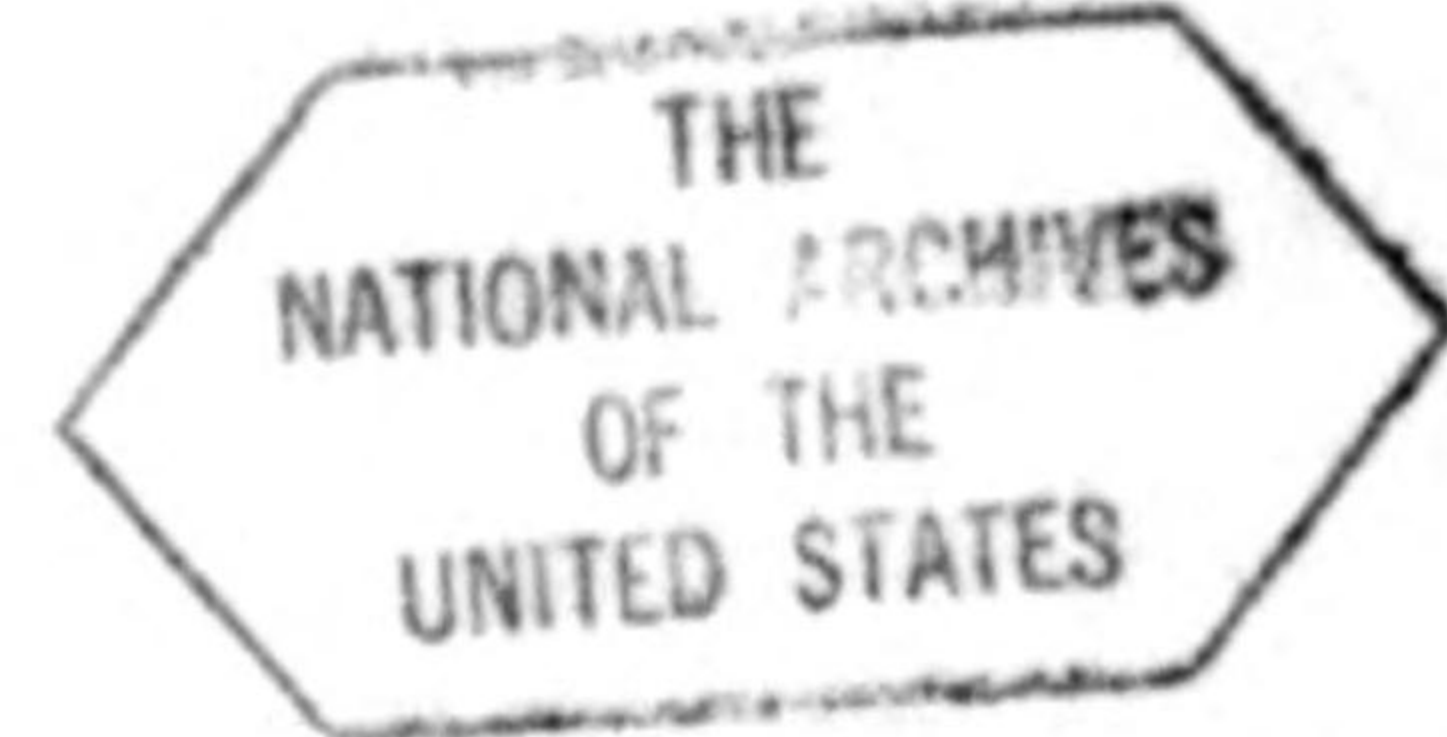


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GENERAL HEADQUARTERS

SUPREME COMIANDER FOR THE ALLIED POWERS

LEGAL SECTION

LEGAL COMMENTS

FEBRUARY, 1950

In the following speech the Chief, Criminal Affairs Branch, Legislation and Justice Division, Legal Section, attempted to summarize the Japanese Criminal Law of Libel, Blackmail, Threat, Intimidation and Violence.

While the speech was delivered to a conference on the Law and the Press which was primarily concerned with so-called "Garotsuki", or "Gangster Newspapers", the summary might be useful to Civil Affairs Officers and others who desire quick information on the essence of the Japanese Criminal Law in these fields.

Text of Speech  
Delivered at the Saitama University  
Conference on the Law and the Press  
23 February 1950

JAPANESE CRIMINAL LAW OF LIBEL, BLACKMAIL,  
THREAT, INTIMIDATION, and VIOLENCE

Background of the Problem

In spite of continuous efforts during the Occupation by the Japanese police and other law enforcement agencies to systematically "shake down" the nation's underworld with the aim of ferreting out thousands of gangster "bosses" who were continuing to hold out in defiance of the law, the problem still seems far from final solution. Although hundreds of "big-shots", such as the leaders of the Otsu, Yasuda, and Sokine "Gumi" (feudalistic racketeer organizations) have been arrested, and many similar organizations have voluntarily dissolved, there has been no lessening in gangsterism. On the contrary, many such outlawed bosses were reported simply to have dropped out of the major underworld activities but still to be continuing their unlawful practices on a less prominent scale. Some have merely switched their names; others have set themselves up as heads of questionable business concerns; still others have radically altered their field of activities but retained their past feudalistic system and personnel. Many still have their underworld power in new roles. The Asahi reported some time ago that during one police drive which lasted for a period of about 7 months, the police successfully rounded up over 10,000 underworld criminals, including "big shots", "gorotsuki" newspapers, minor intimidation gangs, and others. Nevertheless there are undoubtedly some hundreds of "big timers" and thousands of subordinate bosses and lesser henchmen still in operation.

The Oyabun-Kobun System

How many of these various types of Oyabun and Kobun are directly connected with the "gorotsuki" newspaper racket and exactly how such newspaper gangsters operate in detail I do not know. However, the "gorotsuki" newspapers are only one manifestation of the Oyabun-Kobun system which dates back as far as the Tekugawa era in Japan and is essentially an extension of the traditional Japanese family system. It expanded from its origin as a number of gambling groups into the field of politics, economics, the police system, and the army and navy. The system is not just one of

corrupt illegal activities but its essential characteristic lies in a hierarchical relationship, between a group of individuals with roots in the feudal attitudes and ideals of a historical past which is very close to the immediate present. Basically the pattern is this: a boss (Oyabun) whose ancestors have been Oyabuns for generations has a number of henchmen bound to him by close ties of personal loyalty. In return for supplying his Kobuns with money, goods, advice, paternalistic direction and status, the boss receives an absolute loyalty which is accompanied by a feudalistic sense of honor and highly exaggerated regard for a "face". These Kobuns, in turn, have other Kobuns, though they are in the relationship of "Oji-san" (uncle) to these other Kobuns, rather than in the position of Oyabun. In turn, this second group of Kobuns have their own Kobuns, and so the relationship extends on the basis of immediate and close quasi-family ties, until the Oyabun controls a large number of henchmen.

#### The "Gorotsuki" Newspapers

It is obvious that a system with such deep-rooted history can only be eliminated in the long run by a transformation of Japanese society through education. However, this does not obviate the necessity for continuing efforts to enforce the criminal law as far as it is possible to do so. Regardless of details of the exact methods of operation of the so-called "gorotsuki" newspapers, the general picture is clear. I understand that their organization is similar to the other gangster groups and that they operate by means of libel, blackmail, intimidation and violence. In particular, I understand it is a common practice for such newspapers to prepare libelous articles attacking candidates for public offices and to threaten publication or violence unless they were paid off. Of course, the new Constitution and laws of Japan are designed to ensure freedom of the press, but this does not mean that criminal libel, blackmail, intimidation and violence should be condoned.

#### Crimes against Reputation

Former Press and Publication laws which were undoubtedly restrictive of freedom of the press have been repealed, but the Penal Code still contains a chapter entitled "Crimes Against Reputation" (Meiyo ni tai-suru Tsumi). Article 230 of this chapter states that every person who has injured the reputation of another person by publicly alleging facts, regardless of whether such facts are true or false, shall be punished with penal servitude or imprisonment not exceeding 3 years or a fine of not more than ¥50,000. However, in order to protect the right of the press to publish facts related to the public interest and primarily for the public benefit, a new article 230 has recently been added to the Penal Code. This article provides that publication of facts having relation to the public interest and primarily for the public benefit is not punishable, even though it may injure the reputation of another person, provided that the truth of the facts published is established after inquiry. The article specifically provides that "facts concerning a criminal act committed by a person who has not yet been prosecuted in relation thereto, shall be deemed facts related to the public interest". Similarly, true facts concerning a public official or a candidate for elective public office may be published without punishment even if they injure his reputation.

These new provisions were essential in order to protect the interest of the public in being properly informed about crimes, public officials, and candidates for elective public offices. They also protect the right of the press to freely publish such facts provided that they are true. The qualifications do not make it legal for any person or newspaper to circulate or publish a falsehood which injures the reputation of any suspect, public official or candidate. Article 231 of the same chapter of the Penal Code provides for punishment by detention (imprisonment not exceeding 90 days) or a minor fine of every person who has publicly insulted another person even without alleging facts. The article covers unfavorable comments published concerning a person's character, conduct, antecedents, etc., by the use of insulting language.

#### Crimes against Credit and Business

Another chapter of the Penal Code which has remained unchanged during the Occupation and which is closely related to the chapter already discussed is the chapter entitled "Crimes Against Credit and Business" (Shinyo oyobi Gyomu ni Tai-guru Tsuzi). Article 233 of this chapter provides that every person who has injured the credit of another person or impeded his business by circulating false reports or by fraudulent means shall be punished with penal servitude not more than 3 years or fined not more than ¥50,000. Article 294 provides that every person who has forcefully interfered with the business of another person shall be dealt with in accordance with the preceding article.

#### Application of the Law

The provisions of the foregoing two chapters of the criminal code may be somewhat clarified by discussing a few of the Supreme Court cases which have interpreted them. The following remarks are based upon such Supreme Court decisions.

Even a person who has committed a crime or another illegal act also has a reputation to keep up. Consequently when falsehoods which injure his reputation have been publicly alleged, the crime of libel under article 230 is constituted. When a person adversely criticizes another person by an article in which the latter is accused of evil deeds in language interspersed with insulting expression and publishes such article to the injury of his reputation, the insulting language and the allegation of facts form the method of the crime of libel, and the act is therefore punishable.

Even though a defamatory article published in a newspaper, magazine, or another publication contains no direct reference to the name, facial features, nickname, or pen-name of the injured party, if the person to whom the article refers can be inferred from the wording and other circumstances, it may be dealt with as libelous.

The act of printing an article which injures the reputation of a candidate for membership of a prefectural assembly and circulating the same among the electors by special post amounts to the notification of facts which intend generally to injure the reputation of another person. It, therefore, constitutes the crime of libel within the meaning of Article 230 of the Criminal Code. However, under Article 230c, if, upon inquiry into the facts, the truth thereof be established, the said act is not punishable.

Each person is protected by law from having his social position and esteem violated. When violated by another person, therefore, it is an impairment of his reputation.

The crime of injuring a reputation is constituted by violating the social position or esteem of a person by publicly declaring facts whether true or otherwise; the crime of injuring credit however, is formed by impairing the confidence of another in a person's solvency or willingness to pay by circulating false rumors or by means of a fraudulent stratagem.

An act of circulating a falsehood, may according to circumstances, constitute the two crimes of injuring credit and reputation, or simply the crime of injuring credit or reputation.

Even though the contents of a paragraph inserted in a newspaper and reading in effect that A owes \$50,000 to B is already well-known to C and others, the crime of injury to reputation is not constituted unless the paragraph goes so far as to imply that A is on the verge of bankruptcy.

The word "credit" within the meaning of Article 233 of the Criminal Code is not included in Article 230, par 1, of the said Code, but is independent and outside the scope of the latter article.

When a newspaper paragraph of an insulting nature forms an essential element of the crime of injury to reputation, the act is not dealt with for the crime of insult in addition to the act of impairment of reputation. If no punishment is imposed for the crime of injury to reputation because the truth of the allegation has been proved in accordance with Article 230a, and the facts alleged were related to the public interest and primarily for the public benefit, then the accused is to be entirely acquitted and cannot be punished for the crime of insult under Article 231.

The published fact involved in the injury to reputation need not necessarily be one not publicly known. The crime is formed even when a publicly known fact is published.

The words "publicly alleging facts" within the meaning of Article 230, par 1, of the Criminal Code denote the intimation of facts under conditions in which an indefinite number of people could have seen and heard the same. Even if no person actually saw or heard the intimation, there may still be a public intimation of facts.

The persons who are to be held criminally liable when the crime of injury to reputation has been committed by means of a newspaper are determined in accordance with the Criminal Code. It is immaterial whether they are the editor and publisher or any of the following persons:

- (1) a person other than the editor who actually had charge of the editing;
- (2) a person who has signed the article inserted;
- (3) in the case of particulars of a correction or refutation, the person who has demanded the inserted article.

If a person has delivered a speech which in view of its whole tenor, the rumors current at the time, and other circumstances, enables the general audience to infer he is reported to have misconducted himself and in what manner, he may be found guilty of defamation. Similarly, a person who has published an article in a newspaper under the same circumstances may be found guilty of criminal libel.

The victim of criminal libel or insult is either a specific person or a specific organization possessing personal capacity.

A reporter who has supplied data with an intention of having an article which is injurious to the reputation of a person inserted in a newspaper causes, in conjunction with the acts of editing and publishing, injury to reputation. When a paper containing such articles has been published, the reporter concerned cannot evade liability as one of the principal offenders of the crime of libel. A newspaper correspondent cannot evade liability for his correspondence which tends to injure the reputation of another person and which has been inserted and published in the paper merely because it is within the exclusive power of the editor to select "copy". Furthermore, by supplying the editor with material for the given article the correspondent has thereby actually perpetrated the crime of libel jointly with the editor and has not merely assisted in preparing for the said crime.

When copies of a paper containing allegations injurious to the reputation of a person are distributed by post to a large number of persons, it amounts to publicity within the meaning of article 230, even though the number of recipients of the copies may be specifically limited.

When the report of a juridical person has injured the reputation of another person in the name of the juridical person, punishment is thereby imposed on the actual author of the act.

When a letter of complaint containing allegations bearing on the private conduct of a person and tending to injure his reputation is fully published in a newspaper, it constitutes the crime of libel.

When a reporter is informed of facts which tend to injure the reputation of a person with the object of having such facts published in newspaper, and they are published as a result of tacit persuasion, an instigation of libel is committed.

In the crime of injury to the reputation of a person, it is sufficient if an allegation of facts is made to such an extent that it can be deemed to be injurious to the reputation of a specific person. It is not necessary that the facts be therefore minutely specified in regard to time, place, or other details.

The crime of insult is complete when the offender's opinion holding in contempt the social position of another person is publicly made known without mention of facts; on the other hand the crime of injury to reputation is complete when concrete facts tending to injure the social position of another person are publicly declared.

Even criticism of the public capacity of a person may constitute a case of criminal insult if the offender publicly makes unfavorable comments concerning such person's character, conduct, antecedents, etc., by the use of insulting language.

"Circulating false reports" as provided in Article 233 of the criminal code means to publish false reports; for the completion of the crime therefore, it is not necessary to cause people further to circulate false reports.

"Injuring the credit of another person" within the meaning of Article 233 denotes injury to the financial credit of a person; consequently, the false report circulated for the purpose need not necessarily imply a conception of evil deeds or misconduct.

The act of injuring the credit of a person does not necessarily produce the result of violating his property right.

When discussing injury to credit under Article 233 of the Criminal Code or compensation for damages under Article 709 of the Civil Code, a distinction should always be made between credit and property rights. Article 709 of the Civil Code provides "A person who violates intentionally or negligently the right of another is bound to make compensation for damage arising therefrom." This is the basic provision for a civil action for libel or defamation as opposed to the articles of the criminal code already referred to which provide for criminal punishment rather than civil damages. It should be noted in this connection that Article 710 of the Civil Code provides "A person who is liable in damages in accordance with the provisions of the preceding article must make compensation therefor even in respect of a non-pecuniary damage, irrespective of whether such injury was to the person, liberty, or reputation of another or to his property rights."

All that is required for the formation of the crime of Article 233 is injury to the credit of another person by circulating a false report or by fraudulent means. It is not absolutely necessary that reference be made to concrete injurious acts.

"Circulating false reports in the sense of Article 233 denotes spreading rumors which are false, it is not essential that the rumor be an invention of the accused in order that it may be found to be false."

When a false article tending to impede the business of another person is inserted in a newspaper and an attitude taken to the effect that similar paragraphs will be continuously published unless a sum of money is paid, and money is thus exacted, the act of impeding business forms the concrete evidence of the crime of intimidation. It is, however, the means used to obtain the money. In other words, it is an act which is the means of a crime and which comes under another criminal category within the meaning of Article 54, par 1, of the Criminal Code. Article 54, par 1, of the Criminal Code provides "When a single act results in several crimes or when the means or result of committing a crime constitutes another crime, sentence of the gravest punishment shall be given". The crime of intimidation is punishable under other chapters of the penal code which will be subsequently discussed.



To circulate false rumors in the sense of article 233 denotes the spreading of false rumors among an indefinitely large number of people. It is not absolutely necessary that the offender should personally and directly inform a large number of persons of such false rumors.

The word "business" in article 233 applies in general to all professions, occupations, or other affairs or undertakings requiring continuous attention or employment, whether moral or economic but does not include official affairs.

The word "forcefully" in the sense of article 234 (referring to a person who has forcefully interfered with the business of another) refers to force or strength to dominate or awe the will of another person. It applies not only when the offender has resorted to violence or intimidation but also when he has terrorized the other party by bluff or by reason of his position or power.

Force within the meaning of article 234 includes violence.

"The business of a person" in the sense of article 234 denotes the business of any person other than the offender, and it may be the business of a natural person, juridical person, or other group or organization.

In a judgement which finds the accused guilty of the crime of interfering with business under article 234, it suffices to find that the accused has by force interfered with the conduct of the business of another person. It is not necessary to state exactly how much loss has been caused thereby.

#### Crimes of Intimidation

Crimes against reputation, or against credit and business, are frequently connected with Crimes of Intimidation (Kychaku no Tsumi), which are defined by another chapter of the Penal Code. The word "Kychaku" may also be translated as "threat", "coercion", "menace", or "compulsion". It has already been mentioned in this connection that a single act may result in several crimes, or the means or result of committing a crime may constitute another crime, in which case article 54 par 1, of the Criminal Code provides that sentence of the gravest punishment shall be given. In the chapter concerning crimes of intimidation, article 222 provides that every person who has threatened another person with injury to his life, person, liberty, reputation, or property shall be punished with penal servitude not exceeding 2 years or fined not more than ¥25,000. The same punishment applies to every person who has threatened injury to the life, person, liberty, reputation, or property of a relative. Article 223 of the same chapter provides that every person who has threatened another person with injury to his life, person, liberty, reputation, or property, or has used violence against another person and thereby caused such person to perform an act which he is not bound to perform or prevent him from exercising a right to which he is entitled, shall be punished by penal servitude not exceeding 3 years. The same punishment applies where the threat of injury was to the life, person, liberty, reputation, or property of a relative. Attempts of these crimes are also punishable.

#### Application of the Law

The provisions of this chapter may be further clarified by a few comments based upon Supreme Court opinions.

The crimes of intimidation specified in articles 222-223 of the Criminal Code are constituted if a person is notified that facts which will impair his reputation may be disclosed. It is not necessary to give concrete notice of the facts of which disclosure is threatened.

If an illegal intimation has been made to the effect that harm will be done to the life and property of a person, the fact that such intimation was made in the name of a non-existent person is no bar to the formation of the crime of intimidation.

If an act of intimidation has been perpetrated with the knowledge that it may cause a person to suffer fear, it constitutes the crime of intimidation, despite the fact that it has been perpetrated with an intention ulterior to that of inspiring the person to whom the notice of intimidation has been addressed with fear.

The act of sending a letter intimating that a person whose family will be killed by bombs unless he does a certain act, constitutes the crime of intimidation, irrespective of whether the receiver of the letter believes that the threat will be carried out against him or his family, or whether he is thereby actually inspired with fear.

It suffices for the formation of the crime of intimidation if the offender has adopted means of informing the other party with intention to intimidate that the harm specified in article 222 of the Criminal Code will be caused to him, and if the other party thereby understands that a harmful act is threatened. It is not necessary that the offender should have communicated directly with the other party by speech or other means.

Article 223, par 1, of the Criminal Code provides for punishment of any person who by threats or violence has caused another person to do or refrain from doing or suffer to be done an act for which he has no right or power and is therefore under no obligation to do.

If a person was caused by threats or violence to perform an act which he was already bound to perform the crime of intimidation under article 223 is nevertheless constituted.

When a newspaper man intimates to the manager of a restaurant that he will publish something unfavorable to the manager or the restaurant unless the manager performs certain services, it constitutes a threat against the reputation and property of the manager.

#### Crimes of Violence

There are certain other articles of the Penal Code which are closely related to Article 222 concerning threats. These articles are articles 208, concerning the crime of violence, and Article 261, concerning the crime of damage or destruction of animate or inanimate objects. Article 208 provides that every person who has used violence against another person without wounding (injuring) such person shall be punished with penal servitude not

exceeding 2 years, a fine not exceeding ¥25,000, detention or minor fine. This article, which punishes the crime of assault, is of course also related to crimes of assault and battery which result in actual injury, known in Japanese criminal law as Crimes of Wounding (Shogai no Tsumi), for which severer punishments are provided. Under Article 204, the punishment for the crime of wounding is penal servitude not exceeding 10 years or a fine not exceeding ¥25,000 or a minor fine. Under Article 205, if death is caused by wounding, the punishment is limited penal servitude for not less than 2 years. Limited penal servitude varies from one month to 15 years and includes both confinement in prison and performance of prescribed labor. Article 261 punishes with penal servitude not exceeding 3 years or with a fine not exceeding ¥25,000 or a minor fine the crime of damaging (destroying) or injuring an animate or inanimate thing, (other than public documents, private documents relating to rights or liabilities, or building or ship -- for which more severe punishments are provided in articles 258-260, inclusive).

Of course people running "geretsuki" newspapers undoubtedly combine threats, intimidation, and violence and also act jointly and through the backing of the force of their gangster organizations. In such cases they are also punishable under the Law Relating to the Punishment of Acts of Violence, etc. (Boryaku-kei to Shobutsu ni Kan-suru Heitoku), Law No. 60 of 1926. Article 1 of this Law provides that every person who has committed a crime of Article 208, par 1, (violence) Article 222, (threats) or Article 261, (destruction) of the Criminal Code by displaying the force of an organization or multitude (mob), by displaying force under the guise of an organization or multitude (mob), or displaying a weapon or as a joint act of several persons, shall be liable to penal servitude not exceeding 3 years or fine not more than ¥25,000. This article also provides that every person who has habitually committed any of the crimes of the articles referred to above (namely, violence threats, or destruction) shall be punished with the same punishment.

Article 2 of this same Law provides that every person who with intent to obtain or cause to be obtained illegal pecuniary advantage (profit) has pressed for an interview or committed an act of forcible demand or intimidation by any of the methods of par 1 of the preceding article shall be liable to penal servitude of not more than 1 year or fined not more than ¥5,000. This article also provides that every person who has habitually and without justification pressed for an interview or committed an act of forcible demand or intimidation shall be punished in accordance with the preceding paragraph.

Article 3 of the same Law provides that every person who has supplied, offered or promised to supply money, goods, or other pecuniary advantage or service with an intent to have committed by any of the methods mentioned in Article 1, par. 1, a crime of Article 199 of the Criminal Code (homicide), Article 204 (wounding), Article 208, par 1, (violence without wounding) Article 222-223 (threats), Article 234 (forceful interference with the business of another), Article 260 (damage or destruction to building or ship), or Article 261 (damage, destruction or injury to an animate or inanimate thing), and every person who has knowingly received, demanded, or promised to receive such supply shall be punished with penal servitude not exceeding 6 months or fined not more than ¥2,500. Article 3 also provides that any person who has done any of the acts mentioned in the article with intent to cause the crime of Article 95 of the Criminal Code to be committed by any of the methods of Article 1, par 1, of this Law shall be punished with penal

servitude or imprisonment not exceeding 6 months or fined not more than ¥2,500. (Article 95 of the Criminal Code provides punishment of penal servitude or imprisonment not exceeding 3 years for crimes obstructing official business (Kemu no Shikko ni Bagei-suru Tsumi), thus supplementing the chapter providing for the punishment of crimes against non-official business already discussed.) This Law for Punishment of acts of Violence would seem to furnish an adequate legal basis for prosecution and punishment of "gorotsuki" newspapers and the gangster organizations which they serve.

#### Application of the Law

The following comments are based upon Japanese Court decisions applying the Law for Punishment of acts of Violence, etc.

When several persons have jointly committed violence, it constitutes the crime of Article 1, par 1, of Law No. 60 of 1926, even though the backing of the force of an organization or multitude has not been used.

If a number of persons have parleyed with an adversary by displaying the force of an organization, but, upon seeing the refusal of the other party to comply with their demands, and his attempt to run away, have brought him back by force in order to continue the parley, they have committed the crime of violence by displaying the force of an organization.

If it is found that several persons have jointly perpetrated acts of violence and the case falls under Article 1, par 1, of the Law Relating to the Punishment of acts of Violence, etc., Article 60 of the Criminal Code is not to be applied. (Article 60 of the Criminal Code provides that two or more persons who have cooperated in committing a crime are "joint" principals.)

Even though an organization exists for a legitimate purpose, if members thereof have used violence or threats by making use of the power of the organization, their act comes within the purview of Article 1 of the Law Relating to the Punishment of acts of Violence, etc.

When several persons have jointly perpetrated the crimes of Articles 222 (threats) and 201 (destruction) of the Criminal Code, they are dealt with as for one crime, an infringement of Article 1, par 1, of the Law Relating to the Punishment of acts of Violence, etc.

#### Crimes of Blackmail

There is one other chapter of the Penal Code which is closely related to crimes of intimidation. This is the chapter titled "Crimes of Fraud and Blackmail" (Sagi cyabi Kyokatsu no Tsumi). The word "Kyokatsu" may also be translated as "threat" or "intimidation". Article 249 of this chapter provides that every person who has intimidated and caused another person to deliver property shall be punished with penal servitude not exceeding 10 years. The article also provides that the same punishment applies to a person who by the same method has gained an unlawful pecuniary advantage or enabled a third party to do so. Attempts of this crime of blackmail are also punished under Article 250 of the chapter.

application of the Law

The following comments are based upon Japanese Court decisions.

The act of terrorizing another person by an intimation of an allegedly impending evil to be brought about by the act of a third person, thereby obtaining a delivery of property, constitutes blackmail. So a "geretsuki" newspaper which received payments by means of threats of publishing libelous articles would be punishable for the crime of blackmail under article 249 of the Criminal Code.

If by means of threats the offender has acquired a formal title for the delivery of property either by the injured party or by a third person and has then taken or attempted to take delivery of the property by such title, the crime of article 249, par 2, is constituted when the formal title was acquired and regardless whether the delivery of the property had actually been taken or not.

The act of threatening a person and thereby causing him to deliver title deeds constitutes the crime of article 249, par 1, irrespective of whether such act is perpetrated for the offender or for some other reason.

When a person has been intimidated to deliver material property, such as money, to the intimidator or to a third person, article 249, par 1, of the Criminal Code should be applied.

The injured party in the crime of blackmail is always the owner of the property right affected by the crime. The person who is threatened need not necessarily be such owner but may be a person having relations of some kind with the said injured party.

A, for the purpose of illegally obtaining property, made B convey threats but failed to obtain his objective. There was no error in dealing with A for attempted blackmail and with B merely for the crime of intimidation.

When a person is notified that something disadvantageous to him will be published in a newspaper, the notification itself is sufficient to terrorize. In so far as the constitution of the crime is concerned, it is not necessary that the contents of the intended publication be made known to him.

If, for the purpose of blackmail, a person has mailed a letter intending to inspire another person with fear, and the letter has reached the addressee's place, the letter has been used. Therefore, even though the addressee failed to take notice of the letter's contents, the crime is nevertheless perpetrated.

The publisher of a newspaper containing articles injurious to the credit of a joint stock company threatened the director to the effect that the threats would be continued unless a monetary payment was made. The director filled with fear, directed a third person to advance money for the company and to pay it to the publisher, which was accordingly done. The party which has sustained pecuniary loss is the company, and the blackmailer has gained an illegal pecuniary advantage.

The threatened injury essential for the formation of the crime of blackmail need not necessarily be intended to materialize.

A series of articles relating to a person's misconduct were published in a newspaper for a blackmailing purpose. If a demand has been made for the expenses incurred in collecting data for the articles as a price for discontinuing their publication, and the said demand is complied with, it constitutes a crime of blackmail.