

UNITED STATES v. BARRY.

{4 Cranch, C. C. 606.}¹

Circuit Court, District of Columbia. Nov. Term, 1835.

LARCENY—INDICTMENT—BANK NOTE—AMOUNT
AND VALUE—COIN.

An indictment under the penitentiary act of the District of Columbia, for stealing a bank-note, must state the amount, as well as value of the note. "One hundred silver coins of the value of seventy-five dollars," is a sufficient description of the money stolen.

[Cited in *Arnold v. State*, 52 Ind. 285.]

The prisoner {Richard Barry} was convicted under the 9th section of the penitentiary act of March 2, 1831, of stealing "one banknote of the value of twenty dollars; and one hundred silver coins of the value of seventy-five dollars." By that section of the act, it is enacted, "that every person convicted of feloniously stealing, taking, and carrying away any goods or chattels, or other personal property of the value of five dollars or upwards; or any bank-note, promissory note, or any other instrument of writing for the payment or delivery of money, or other valuable thing, to the amount of five dollars, or upwards, shall be sentenced to suffer imprisonment and labor," &c.

Mr. Hoban, for prisoner, moved in arrest of judgment: (1) That although the value of the bank-note is averred in the indictment, yet the amount of money thereby promised is not. It must appear to be a note for the payment of five dollars or upwards, in order to justify a sentence to the penitentiary. (2) That the expression "silver coins" is of too general import to support an indictment.

Mr. Hoban cited *Rex v. Craven*, 2 East, P. C. 601; *Rex v. Milnes*, Id. 002; *Stewart's Case*, 4 Serg. & R. 194.

Mr. Key, contra, cited 3 Chit. Cr. Law, 947, 973, 974a; 2 East, P. C. 497; 1 Chit. 235-237; Leigh's Case, 1 Leach, Crown Cas. 52; Grimes' Case, 2 East, P. C. 647.

THE COURT (nem. con.) was of opinion that the amount as well as value of the note ought to have been averred; but that the description, "one hundred silver coins of the value of seventy-five dollars," was sufficiently certain, and therefore refused to arrest the judgment.

The prisoner was sentenced to the penitentiary for three years.

¹ [Reported by Hon. William Cranch, Chief Judge.]

This volume of American Law was transcribed for use
on the Internet

through a contribution from [Google](#). 