

Case No. 14,705. UNITED STATES v. BYERS.
[4 Cranch, C. C. 171.]¹

Circuit Court, District of Columbia.

May Term, 1831.

LARCENY—BANK NOTE—PROOF OF GENUINENESS.

Upon the trial of an indictment for stealing a note of the Bank of the United States, it is not necessary that the United States should prove that it was a genuine note of that bank, otherwise than by producing the note itself; nor that it was the note of a chartered bank.

Mr. Hellen, for prisoner [Jane Byers], required that the United States should strictly prove that it was a genuine note of the bank; and cited 2 Starkie, Ev. (Am. Ed.) 829, in the note, which refers to the case of *State v. Tillery*, 1 Nott & McC. 9, and *Russ. Crimes* (Am. Ed.) 1032.

But THE COURT (CRANCH, Chief Judge, doubting) stopped the attorney of the United States, and said that the note itself, being proved to be the note stolen, is prima facie evidence of what it purports on its face to be.

Mr. Hellen then contended that the United States must prove it to be a note of a chartered bank.

But THE COURT (CRANCH, Chief Judge, doubting) said that the ninth section of the penitentiary act only required that it should be a bank-note.

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