

Case No. 14,723. UNITED STATES v. CARICO.
[2 Cranch, C. C. 446.]¹

Circuit Court, District of Columbia.

April Term, 1824.

FALSE PRETENCES—BOOKS OF ACCOUNT.

It is not an indictable offence at common law, to obtain and take “by means of false and fraudulent pretences” from the compting-house of a merchant, sundry of his books of account.

This indictment charged that the defendant [James Carico], with force and arms, falsely and fraudulently, by means of false and fraudulent pretences, did obtain and take from the compting-house of one N. B. Vanzandt, two books of account of the value of five dollars, of the goods and chattels of the said N. B. V. against the peace and government of the United States. The defendant was found guilty.

Mr. Wallach, for defendant, moved in arrest of judgment, and contended that it was only a private injury, and not indictable at common law, or under any statute; and if it were, the pretences should have been particularly set forth, and averred to be false. *Rex v. Wheatly*, 2 Burrows, 1125.

Mr. Swann, for the United States.

THE COURT (nem. con.) was of opinion that it was not an indictable offence, and arrested the judgment.

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