

**Case No. 14,729.** UNITED STATES v. CARR.  
[2 Cranch, C. C. 439.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov Term, 1823.

CRIMINAL PRACTICE—INDICTMENT—INDORSEMENT OF PROSECUTOR'S  
NAME—RECOGNIZANCE.

In cases of misdemeanor, the court in Alexandria will not compel the traverser to plead to the indictment, until a prosecutor's name be indorsed; and the recognizance will be respited; unless the attorney of the United States shall satisfy the court that it is a case which ought to be excepted out of the general rule.

[Cited in *U. S. v. Helriggle*. Case No. 15,344.]

Indictment for selling spirituous liquors without license. No name of a prosecutor was written at the foot of the indictment, as required by the Virginia statute of November 13, 1792, c. 74, §§ 24, 25. Nor had the offence been presented by the grand jury, upon the knowledge of two of their body, nor upon the testimony of a witness called upon by the court, or the grand jury, according to the provisions of the Virginia statute of December 2, 1795. c. 188, § 2.

Mr. Taylor, for defendant [David Carr] objected to pleading until a prosecutor's name should be indorsed.

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THE COURT (THRUSTON, Circuit Judge, absent,) said that they would not compel the defendant to plead to the indictment until a prosecutor's name should be indorsed, and that the recognizance should be respited.

Mr. Swann, for the United States, stated that the recognizance had been returned by a justice of the peace, with the names of the witnesses, and he sent them to the grand jury; and that he could satisfy the court that it is a case which should be excepted out of the general rule, and a day was assigned to hear the witnesses. See the general rule of November term, 1807.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]