

## Case No. 14,901b.

## UNITED STATES V. CUMMINGS.

{3 Pittsb. Leg. J. 210.}

District Court, W. D. Pennsylvania. Oct. 20, 1855.

VIOLATION OF POSTAL LAWS—EMBEZZLEMENT  
BY POSTMASTER—TRIAL—VERDICT.

Before IRWIN, District Judge.

The court was occupied principally in the transaction of civil business. The grand jury found a true bill against Henry Cummings, for mail robbery. Our readers will recollect that this man was tried on the above charge, convicted, and subsequently granted a new trial at the last term of the court in this city. He now stands indicted a second time. The trial will commence on Wednesday. <sup>725</sup> The case of Henry Cummings, indicted for robbing the United States mail, was taken up. After a jury had been empanelled, Hon. Charles Shaler, United States district attorney, opened the case. The following is a statement of the circumstances upon which the charge was brought: [See Case No. 14,000.]

Cummings was tried and convicted in May last, but the verdict was set aside in consequence of some informality in the indictment. [Id. 14,901a.] The present bill charges the larceny of one particular \$50 note.

The testimony was mainly the same as that published by us in May last. [Case No. 14,900.] B. C. Langdon testified to having received two \$50 notes on the Mahawa Bank, Massachusetts, from Mr. Judd, at the post office in Monterey, to be forwarded to Alexander Hubbard, at Harrison Valley, "Potter county, Pa. The notes were numbered 202 and 206. He took a memorandum of them. (The memorandum, one of the notes, and the post office register of Monterey, were offered in evidence.) Mr. Hubbard

testified to having made repeated enquiry of Cummings for the letter, and was invariably told that no such letter had been received at Harrison Valley.

Col. Black and J. H. Hampton, for the defence.

Shaler & Flenniken, for the prosecution.

Court met at ten o'clock, to receive the verdict of the jury in the case of Henry Cummings, indicted for mail robbery. The court was informed that the jury was unable to agree, and asked to be discharged. They were then ordered to come into court, when his honor refused to discharge them, while there was a possibility of their being able to find a verdict. They were notified that the court would meet at three o'clock in the afternoon, for their convenience.

At three o'clock the court convened, and the jurors came down. The prisoner was also brought in. The jury then returned a verdict of "Guilty in manner and form as he stands indicted." Col. Black made a motion for a new trial, and in arrest of judgment. The prisoner was remanded, and court adjourned until ten o'clock on Monday.

{Upon a final hearing, the prisoner was release after giving a bond for \$2,000. Case No. 14,901.}

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