

Case No. 15,380. UNITED STATES v. HOLLINSBERRY.
[3 Cranch, C. C. 645.]¹

Circuit Court, District of Columbia.

Nov. Term, 1829.

INDICTMENT—ASSAULT AND BATTERY—PROSECUTOR'S NAME.

The court will, on motion, quash an indictment for assault and battery, in Alexandria, if

UNITED STATES v. HOLLINSBERRY.

the name of a prosecutor be not written at the foot thereof, although the accused shall have been recognized to appear at the court to answer for the offence.

[Cited in U. S. v. Helriggle, Case No. 15,344; U. S. v. Shackelford, Id. 16,261.]

Indictment [against John Hollinsberry] for assault and battery upon Robert Walker. No prosecutor's name was written upon the indictment.

Mr. Taylor, for the defendant, moved the court to quash the indictment for that reason, which was done (MORSELL, Circuit Judge, absent), upon the authority of U. S. v. Helriggle [Case No. 15,344], at November term, 1827, and U. S. v. Shackelford [Id. 16,261], at April term, 1828, although the defendant had been recognized by a justice of the peace to appear at this term to answer for the offence.

Mr. Swann, for the United States, then offered the witnesses to be examined by the court, and prayed the court to order an indictment to be sent up to the grand jury. THE COURT examined them, but refused to order an indictment.

Mr. Swann objected to the cross-examination of the witnesses by the defendant; but THE COURT overruled the objection.

NOTE. See, also, U. S. v. B. Dulany, [Case No. 14,999], Dec. term, 1808; U. S. v. Sandford [Id. 16,221], 14th July, 1806; Virginia v. Leap [Id. 16,964], April, 1801; U. S. v. Jameson [Id. 15,466], Jan., 1802; U. S. v. Singleton [Id. 16,293], June, 1805; U. S. v. Carr [Id. 14,729], Nov., 1823; U. S. v. Willis [Id. 16,728], Nov., 1808.

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