

Case No. 15,466. UNITED STATES v. JAMESSON.
[1 Cranch, C. C. 62.]³

Circuit Court, District of Columbia.

July Term, 1801.

CRIMINAL LAW—ARREST OF JUDGMENT—DEFECTIVE
INDICTMENT—MISDEMEANORS.

1. The want of the name of a prosecutor at the foot of the indictment is not a good ground for arresting the judgment.
2. A *capias* is proper process upon an indictment for misdemeanor.

Indictment [against R. B. Jamesson] for assault and battery. Motion in arrest of judgments 1st. Because there is no name of a prosecutor indorsed on the indictment, agreeably to the act of Virginia. Rev. Code, p. 112, § 24. 2d. Because a *capias* was not the proper process. Id. § 28.

THE COURT was of opinion that the 24th section applied only to cases where an information was filed without a previous presentment. There may not be a prosecutor, and crimes ought not to go unpunished.

Motion overruled and judgment entered.

³ [Reported by Hon. William Cranch, Chief Judge.]