

Case No. 15,490. UNITED STATES v. JOHNSTON.
[1 Cranch, C. C. 237.]¹

Circuit Court, District of Columbia.

June Term, 1805.

ALIENS AS JURORS—ASSAULT—EVIDENCE.

1. An alien cannot be a petit juror, because he cannot be a freeholder; but see *Young v. Marine Ins. Co.* [Case No. 18,162].
2. In an indictment against one of several who made a joint assault, the acts of the others at the same time may be given in evidence.

Indictment for assault and battery and resisting a collector of militia fines.

A juror called to be sworn, who was an alien, was rejected by the court. See *New Rev. Code*, 101, c. 73, § 12, 29th of November, 1792.

Mr. Swann, for the defendant, objected to evidence of what was done by Glover in company with Johnston, at the time of the assault and battery.

Mr. Youngs, on the same side. The United States have chosen to consider it as two separate assaults by indicting them separately.

PER CURIAM (nem. con.). The conduct of every person joining in the assault may be given in evidence. The evidence offered is admissible.

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