

Case No. 15,661. UNITED STATES v. MCCORMICK.
[4 Cranch, C. C. 104.]¹

Circuit Court, District of Columbia.

Dec. Term, 1830.

KEEPING PUBLIC GAMING HOUSE—INDICTMENT—TIME.

Upon an indictment for keeping a public gaming house, the day laid in the indictment is not material, so that it is within the time of limitation, and not within the time of a previous conviction or acquittal. All the acts of keeping such a house before finding the indictment constitute but one offence.

[Followed in **U. S. v. Ringgold**, Case No. 16,167. Cited in *Ex parte Snow*, 7 Sup. Ct 562, 120 U. S. 286.]

Indictment [against James McCormick] for a nuisance in keeping a public gaming house from April 10 to June 10, 1829.

THE COURT (nem. con.) permitted the United States to give evidence of acts done before the 10th of April, considering the day not material, so that it was within the time of limitation, and not within the time of a previous conviction or acquittal; all the acts of gambling, and keeping a gaming house, previous to the finding of the indictment, constituting but one offence.

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