

Case No. 15,701. UNITED STATES v. McNEMARA.
[2 Cranch, C. C. 45.]²

Circuit Court, District of Columbia.

June Term, 1812.

INDICTMENT—AVERMENT OF PROPERTY.

An indictment for forcibly taking bank-notes from another, must state whose property they were.

Indictment, that the defendant [Mary McNemara], with force and arms, unlawfully, injuriously, violently, and fraudulently did seize and take from one John Lyon fourteen bank-notes of the value of seventy-five dollars lawful money of the United States and him the said John Lyon, of the said bank-notes did fraudulently, violently, and by open force and violence strip and deprive, to the great loss and damage of the said John Lyon, and against the peace and government of the United States.

THE COURT (FITZHUGH, Circuit Judge, absent) on motion arrested the judgment because it was not stated in the indictment, whose property the bank-notes were.

² [Reported by Hon. William Cranch, Chief Judge.]