

**Case No. 15,845.** UNITED STATES v. MYERS.  
[1 Cranch, C. C. 310.]<sup>1</sup>

Circuit Court, District of Columbia.

June Term, 1806.

ASSAULT.

It is an assault to double the fist and run it at another, saying, "If you say so again I will knock you down."

[Cited in *State v. Painter*, 67 Mo. 87.]

Presentment, for an assault on Jane McGrath. The evidence was that the defendant [Samuel Myers] doubled his fist and ran it towards the witness, saying, "If you say so again, I will knock you down."

Mr. Key, for defendant, contended that it was not an assault. The words explain the act, and show the intention not to be to commit a battery. It was like the case of the man putting his hand on his sword, and saying, "If it were not term time or assizes, I would kill you," &c.; and he moved the court to instruct the jury that it was no assault.

Mr. Jones, for the United States.

THE COURT, (nem. con.) refused to give the instruction.

Verdict, "Guilty." Fined five dollars.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]