

Case No. 16,057. UNITED STATES v. PLYMPTON.
[4 Cranch, C. C. 309.]¹

Circuit Court, District of Columbia.

March Term, 1833.

OBTAINING MONET UNDER FALSE PRETENCES—INDICTMENT—VENUE.

1. An indictment cannot be sustained in Washington county, D. C, for obtaining money by false pretences made out of the county.
2. Quære, whether it is not necessary that all the facts which constitute the offence should have occurred in the county where prosecuted.

[Distinguished in *U. S. v. Henning*, Case No. 15,349.

Indictment [against William Plympton] for obtaining money by false pretences. It appeared that the false pretences were made in Baltimore, where the acceptances obtained thereby were made and paid, although the defendant obtained money upon them by getting them discounted in Washington county, D. C.

R. S. Coxe, for defendant, moved the court to instruct the jury that there was no evidence to sustain the indictment, which instruction THE COURT (THRUSTON, Circuit Judge, absent) refused to give; and also refused to instruct the jury that, if the false pretences were made in Maryland, they should find the defendant not guilty, although the money should have been obtained here upon the discount of the bills.

Verdict, guilty; but THE COURT (nem. con.) granted a new trial because the false pretences, if made at all, were not made in this county; and the bills were accepted and paid by the prosecutor, in Baltimore.

MORSELL, Circuit Judge, was inclined to think that if the money was obtained by the defendant in this county, it was sufficient to sustain the indictment.

THRUSTON, Circuit Judge, was of opinion that if the false pretences were not made in this county, the prosecution could not be supported.

CRANCH, Chief Judge, was inclined to the opinion, that all the facts necessary to constitute the offence must have occurred in this county.

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