

Case No. 16,158. UNITED STATES v. RICKETTS.

[1 Cranch, C. C. 164.]¹

Circuit Court, District of Columbia.

June Term, 1804.

ASSAULT—ACCOMPLICE.

If a man be present, and encourage an assault and battery, he is a principal.

Assault and battery upon Robert Abererombie, a constable [by Benjamin Ricketts].

Mr. Mason, for the United States, moved the court to instruct the jury, that if the defendant was present and aiding, abetting, or encouraging the assault and battery, he was a principal.

Mr. Jones, for defendant, contended that it was necessary he should have been present, and aiding, and abetting, and encouraging.

THE COURT (nem. con.) gave the instruction. 1 Hawk. P. C. 58; 2 Hawk. P. C. 438; 2 McNally, Ev. 524.

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