

Case No. 16,290.

UNITED STATES v. SIMS.

[4 Cranch, C. C. 618.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1835.

ROBBERY—LARCENY BY SLAVE.

1. To constitute robbery, there must be fear or force.
2. A slave charged with larceny is to be tried and punished by a justice of the peace.

Indictment [against the negro Henry Sims] for highway robbery of one Latimer, by snatching his watch from his side pocket, it being fastened to his neck by a ribbon, which was broken by the first snatch, the owner not having been put in fear.

Mr. Key, for United States, cited Russ. & R. 419; 3 Chit. 805.

Hoban & Morfit, for prisoner, cited *Rex v. Gnosil*, 1 Car. & p. 304, 12 Serg. & L. 182.

THE COURT (nem. con.) was of opinion that, in this case, the force was not sufficient to constitute the offence of robbery, and intimated that the law was correctly stated by Garrow, B., in *Gnosil's Case*, 1 Car. & P. 304.

The jury found the prisoner guilty of simple larceny, and that he was a slave; whereupon THE COURT, not having jurisdiction of simple larceny by a slave, ordered him to be taken before a justice of the peace, to be dealt with according to law.

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