

**Case No. 16,613.** UNITED STATES v. VEITCH.  
[1 Cranch, C. C. 81.]<sup>1</sup>

Circuit Court, District of Columbia.

April Term, 1802.

MISDEMEANORS—INDICTMENT—PROCESS.

A *capias* is the proper process upon an indictment for misdemeanor, found after service of a summons to show cause why an indictment or information should not be filed.

Indictment for retailing spirituous liquors. The first process was a summons to show cause why an information or an indictment should not be filed. Upon this summons the defendant [Peter Veitch] did not appear, and his default was recorded. The indictment was found at July term, 1801, and a *capias* issued returnable to October term, 1801.

Mr. Simms, for defendant contended that a *capias* was not the legal process.

THE COURT stopped him from arguing the point, saying it had been decided several times in this court, and a general direction had been given to the attorney for the United States to issue a *capias* upon every indictment found after a summons had issued and been served to show cause why an indictment or information should not be filed; being of opinion that a *capias* was the proper process. Laws Va, Rev. Code, p. 106, § 28.

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