

Case No. 16,634.
[1 Sawy. 701.]¹

UNITED STATES v. WALLER.

Circuit Court, D. California.

Aug. 26, 1871.

INFORMATION FOR MISDEMEANORS.

Misdemeanors may be prosecuted in the national courts by information.

[Cited in U. S. v. Ebert, Case No. 15,019; U. S. v. Maxwell, Id. 15,750. Followed in U. S. v. Ronzone, Id. 16,192. Cited in U. S. v. Block, Id. 14,609; U. S. v. Reilley. 20 Fed. 46; Ex parte Wilson, 114 U. S. 425, 5 Sup. Ct. 939.]

An indictment against the defendant [John Waller] for an "offense not capital, or otherwise infamous," having been quashed, and there being urgent reasons for a speedy trial, and no grand jury in session at the time, the district attorney filed an information, alleging the offense charged. The defendant moved to quash the information, on the ground that the offense, although a misdemeanor, could only be prosecuted by indictment.

L. D. Latimer, U. S. Dist Atty.

Milton Andros, for defendant.

FIELD, Circuit Justice. We are of the opinion that an information may be filed by the district attorney, in behalf of the United States, in the national courts, for misdemeanors committed against the laws of the United States. The motion to quash the information in this case is, therefore, denied.

¹ [Reported by L. S. B. Sawyer, Esq., and here reprinted by permission.]