

Case No. 16,661.

UNITED STATES v. WELLS.

{2 Cranch, C. C. 43.}¹

Circuit Court, District of Columbia.

June Term, 1812.

GAMING—INDICTMENT FOR CHEATING—“MONEY.”

Bank notes are not money [within the meaning of an indictment charging defendant with cheating another of his “money” at cards].

UNITED STATES v. WELLS.

Indictment for cheating one Hollingshead of 80 dollars of his money at cards, (faro.) The evidence was that banknotes were won. Verdict, guilty. Motion for a new trial.

C. Lee and Mr. Morsell, for defendant, contended that banknotes are not money, and cited *Grigby v. Oakes*, 2 Bos. & P. 526; *U. S. v. Morgan* [Case No. 15,808], in this court; East, Crown Law, 597-599.

Mr. Jones, contra, cited *Miller v. Race*, 1 Burrows, 457; *Rumball v. Murray*, 3 Term R. 298; *Wright v. Reed*, Id. 554; *Cousins v. Thompson*, 6 Term R. 335.

THE COURT (nem. con.) was of opinion, that on an indictment, evidence of banknotes is no evidence of money. No case has been shown in which it has been admitted. In the cases cited the question was what was the general understanding of the word in common acceptance; but in an indictment the words are to be construed according to their strict legal meaning.

{Cited in *U. S. v. Holly*, Case No. 15,381.}

¹ {Reported by Hon. William Cranch, Chief Judge.}