

Case No. 16,961.

VIRGINIA v. GORDON.

[1 Cranch. C. C. 48.]¹

Circuit Court, District of Columbia.

Jan. Term, 1802.

GRAND JURY—INDORSEMENT OF NAME OF WITNESS ON PRESENTMENT.

The indorsement of the name of the witness by the grand jury on the presentment, is prima facie evidence that it was made upon his testimony.

Information for retailing liquors, &c.

The witness, Michael Stieber, testified that he bought liquor of the defendant [Robert Gordon] about three weeks before he gave evidence to the grand jury who found the presentment upon which this information was filed; and that as never gave evidence before them against the defendant but once.

Mr. Mason, for the United States, offered to prove the time of his being sworn to the grand jury by the record of the presentment, which states it to be made on the information of Michael Stieber, the present witness.

On considering the act of 1795 making it a part of the duty of the grand jury to indorse on the presentment the name of the person on whose information it was found, THE COURT permitted the record to go in evidence to the jury to prove the time when the witness testified to the grand jury.

MARSHALL, Circuit Judge, doubting.

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