

the district a person can be registered without any application or other act done on his part, while in the city of New York a personal application is required. In order that the accused should be informed of the statute he is charged with having violated, it is, in my opinion, necessary that indictments under this statute should disclose the election district in which the fraud charged was committed.

Upon these grounds, judgment must be for the several defendants upon the demurrers.

UNITED STATES v. BROWN.

(Circuit Court, S. D. New York. November 3, 1893.)

1. ELECTIONS—PROCURING FRAUDULENT REGISTRATION—SUFFICIENCY OF INDICTMENT.

An indictment under Rev. St. § 5512, for unlawfully, knowingly, and fraudulently advising and procuring one to register as a voter, need not set forth the particular words of the advice or method of procurement employed.

2. SAME—PROCURING FRAUDULENT REGISTRATION—INDICTMENT.

An indictment under Rev. St. § 5512, for unlawfully procuring or advising one to register, must set forth the acts done by the accused with intent to effect a fraudulent registration. U. S. v. McCabe, 58 Fed. Rep. 557, followed.

3. SAME—PLACE OF REGISTRATION—INDICTMENT.

When, as in the state of New York, the requirements of the law as to the registration of voters are different in different parts of the district within the jurisdiction of the court, an indictment under Rev. St. § 5512, for unlawfully procuring or advising one to register, must specify the election district in which the unlawful acts were committed. U. S. v. McCabe, 58 Fed. Rep. 557, followed.

At Law. Indictment by the United States against Frederick W. Brown for unlawfully advising and procuring others to register. On demurrer to the indictments. Sustained.

Edward Mitchell, U. S. Atty., and John D. Mott, Asst. U. S. Atty. Henry D. Hotchkiss, for defendant.

BENEDICT, District Judge. This indictment contains nine counts, all framed under section 5512 of the Revised Statutes. The first count charges Brown with advising James F. Brady to fraudulently register; (2) for procuring Frank McCabe to fraudulently register; (3) for advising Frank McCabe to fraudulently register; (4) for procuring John S. Leach to fraudulently register; (5) for advising John S. Leach to fraudulently register; (6) for procuring Allen L. Marien to fraudulently register; (7) for advising Allen L. Marien to fraudulently register; (8) for procuring William Magee to fraudulently register; (9) for advising William Magee to fraudulently register. The several counts for advising are, in general, the same, and the counts for procuring are, in general, the same. In my opinion, the indictment must be held defective for the reason that the place of registration does not appear. I do not consider it necessary, in an indictment for unlawfully, knowingly, and fraudulently advising one to register as a voter, that the particular

words of the advice or method of procurement employed should be set forth; but, for the reasons stated in *U. S. v. McCabe*, 58 Fed. Rep. 557, I think it is necessary to state the election district, and the counts for advising are bad because the place of registration is not stated. The counts for procuring are bad for using the word "register," instead of stating acts done by Brown with intent to effect a fraudulent registration. Let judgment be entered for the defendant upon the demurrer.

WARREN v. UNITED STATES.

(Circuit Court of Appeals, First Circuit. November 8, 1893.)

No. 35.

IMMIGRATION—DETENTION AND RETURN OF UNLAWFUL PASSENGERS—DUTY OF VESSEL'S OFFICERS.

Under section 10 of the immigration act of 1891, (26 Stat. 1086,) the agent of a vessel, who is ordered to detain on board and return certain immigrants unlawfully brought to this country, is bound to so detain them at all hazards, and will only be relieved therefrom by vis major, or inevitable accident. The word "neglect" in the provision for a penalty in case of "neglect to detain" is used in the popular sense of "fail" or "omit."

In Error to the Circuit Court of the United States for the District of Massachusetts.

At Law. Indictment of Frederick Warren for violation of the immigration law of March 3, 1891. Defendant was convicted in the court below, and brings the case here on writ of error. Affirmed.

Benjamin L. M. Tower, (Joshua D. Ball, on the brief,) for plaintiff in error.

Frank D. Allen, U. S. Atty., (Henry A. Wyman, Asst. U. S. Atty., on the brief.)

Before COLT and PUTNAM, Circuit Judges, and WEBB, District Judge.

WEBB, District Judge. This case arises on the rulings of the circuit court at the trial of an indictment under section 10 of the act of March 3, 1891, (26 Stat. 1086.) The plaintiff in error admitted that certain aliens, who are named in the indictment, embarked for the United States from a foreign port upon a certain vessel called the *Kansas*, and did therefore unlawfully come to the United States upon and by means of said vessel; that upon their arrival he was the agent of said vessel at Boston, and was then and there duly notified, in accordance with the laws of the United States, by the superintendent of immigration, that the said aliens, naming each, were then and there likely to become a public charge in the said United States, and were not then and there entitled, under the laws of the United States, to be admitted into the said United States; that the said Warren was then and there, as agent of the said vessel, by the superintendent of immigration, duly notified and ordered to