SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Respublica Vs. Steele

Respublica Vs. Steele

SooperKanoon Citation : sooperkanoon.com/77894

Court : US Supreme Court

Decided On : 1785

Appeal No. : 2 U.S. 92

Appellant : Respublica

Respondent : Steele

Judgement :

RESPUBLICA v. STEELE - 2 U.S. 92 (1785)
U.S. Supreme Court RESPUBLICA v. STEELE, 2 U.S. 92 (1785)

2 U.S. 92 (Dall.)

Respublica
v.
Steele*

Supreme Court of Pennsylvania

September Term, 1785

The defendant being out-lawed for robbery; and afterward apprehended, was brought up for judgment; but, denying that he was the same Robert Steele, who

was mentioned in the outlawry, an issue was joined by the Attorney General to try the identity. Lewis, as counsel for the prisoner, took two exceptions on the trial: 1st. That it was not proved, that the defendant was an inhabitant of Wright's Town, as stated in the process of outlawry; for though it appeared that he worked there, he contended that circumstance alone did not establish a residence. 2nd. That the addition is false and defective; for, he is called 'Yeoman,' which means (contrary to the fact) that he is a free-holder of the value of 40 shillings per annum; and the addition does not extend to the town or hamlet, the name, degree, or mistery, without which the outlawry is void. 1 Bl. Com. 406. 2 Inst. 668. Johnson's Dictionary, word 'Yeoman.' 2 Hawk. 185. s. 102. ib. 186. s. 106. ib. 187. 8.

Bradford, Attorney General, insisted, that the proof of residence was sufficiently made; and that, by the statute, the description

might either be of the degree or mistery; the latter of which had been chosen in the present case. 2 Hawk. 186. Wood. Inst. 45.

By the Court: It is necessary to state the township; but if the defendant is proved to have been there, it is enough to satisfy the designation. The first day a man comes into a place, he is a stranger; the second day he is considered as a guest; and the third day he becomes an inhabitant. But if any one comes from New Jersey, and stays only an hour in Pennsylvania, during which he commits an offence, he must be charged as of the township, in which he was at the time; for, he cannot be called of New Jersey.

With respect to the objection against the form of the addition, it is to be observed, that the statute requires the description of a state, degree, or mistery; but either of them is sufficient. For instance, it has never been doubted, but that the addition of widow, or spinster, is valid, and yet such addition is certainly not descriptive of any degree or mistery.

The issue being found for the Commonwealth, sentence of death was pronounced, and the defendant was soon afterwards executed. Footnotes

[Footnote *] Argued and decided the 14th October, 1785.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com