

## STATE v. HUNKINS.

An indictment for selling personal property with the intent to prevent its being attached, must be found within two years after the offense is committed, or it will be quashed on motion.

THE indictment, commencing in the usual form, alleges the name of the complainant, and sets forth that the respondents, Nathan F. Hunkins, of, &c., and John Curtice, of, &c., on the 12th day of October, 1857, at, &c., with force and arms did unlawfully and fraudulently sell and convey 500,000 of bricks, of the value of \$2,500, of the property and personal estate of said Nathan F. Hunkins and the said John Curtice, they the said Nathan F. Hunkins and the said John Curtice being then and there debtors, with intent thereby to prevent the seizure of the same personal estate upon mesne process, contrary, &c., &c.

The respondents moved to quash the indictment, because said indictment was not found within two years after the offense was committed; and it does not appear by said indictment, and is not averred therein, that the same was found within said two years.

*Sullivan*, and *Tuck*, for the State.

*Wood*, for the respondent.

BELLOWS, J. A part of the fine being given by the statute to the prosecutor, the prosecution is limited to two years, and, therefore, as the indictment was not found until after that period, the motion to quash must prevail. *State v. Robinson*, 29 N. H. 274.

*Indictment quashed.*

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 MOSES v. ELA.

Where the indorser of a promissory note received of the makers a mortgage of all their property to indemnify him against such liability, it was held that he was still entitled to notice of the dishonor.

A witness, who has testified that a paper produced by him is a copy of a notice sent to an indorser, may, at the instance of the party calling him, correct his testimony, by stating that in respect to the direction it is not a copy.

THIS is assumpsit by the indorsee against the indorser of a promissory note, and the case having been tried upon the general issue and a verdict returned for the plaintiff, the defendant moved for a new trial for errors in the rulings and instructions of the court. The facts sufficiently appear in the opinion of the court.

*Hackett*, for the defendant, to the point that notice was not excused, cited *Chit. on Bills*, ch. 10, 438; *Bond v. Farnham*, 5