

crime.<sup>175</sup> Madison's efforts to write into the Bill of Rights an express vicinage provision were rebuffed by the Senate, and the present language was adopted as a compromise.<sup>176</sup> The provisions limit the Federal Government only.<sup>177</sup>

An accused cannot be tried in one district under an indictment showing that the offense was committed in another;<sup>178</sup> the place where the offense is charged to have been committed determines the place of trial.<sup>179</sup> Thus, a defendant cannot be tried in Missouri for money-laundering if the charged offenses occurred in Florida and there was no evidence that the defendant had been involved with the receipt or transportation of the proceeds from Missouri.<sup>180</sup> In a prosecution for conspiracy, the accused may be tried in any state and district where an overt act was performed.<sup>181</sup> Where a United States Senator was indicted for agreeing to receive compensation for services to be rendered in a proceeding before a government department, and it appeared that a tentative arrangement for such services was made in Illinois and confirmed in St. Louis, the defendant was properly tried in St. Louis, although he was not physically present in Missouri when notice of ratification was dispatched.<sup>182</sup> The offense of obtaining transportation of property in interstate commerce at less than the carrier's published rates,<sup>183</sup> or the sending of excluded matter through the mails,<sup>184</sup> may be made triable in any district through which the forbidden transportation is conducted. By virtue of a presumption that a letter is delivered in the district to which it is addressed, the offense of scheming to defraud a corporation by mail was held to have been committed in that district although the letter was posted elsewhere.<sup>185</sup> The Constitution does not require any preliminary hearing before issuance of a warrant for removal of an accused to the court having jurisdic-

<sup>175</sup> "Vicinage" means neighborhood, and "vicinage of the jury" means jury of the neighborhood or, in medieval England, jury of the County. 4 W. BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND \*350-351 (T. Cooley, 4th ed. 1899). See 3 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES 1775-85 (1833).

<sup>176</sup> The controversy is conveniently summarized in *Williams v. Florida*, 399 U.S. 78, 92-96 (1970).

<sup>177</sup> *Nashville, C. & St. L. R.R. v. Alabama*, 128 U.S. 96 (1888).

<sup>178</sup> *Salinger v. Loisel*, 265 U.S. 224 (1924).

<sup>179</sup> *Beavers v. Henkel*, 194 U.S. 73, 83 (1904). For some more recent controversies about the place of the commission of the offense, see *United States v. Cores*, 356 U.S. 405 (1958), and *Johnston v. United States*, 351 U.S. 215 (1956).

<sup>180</sup> *United States v. Cabrales*, 524 U.S. 1 (1998).

<sup>181</sup> *Brown v. Elliott*, 225 U.S. 392 (1912); *Hyde v. United States*, 225 U.S. 347 (1912); *Haas v. Henkel*, 216 U.S. 462 (1910).

<sup>182</sup> *Burton v. United States*, 202 U.S. 344 (1906).

<sup>183</sup> *Armour Packing Co. v. United States*, 209 U.S. 56 (1908).

<sup>184</sup> *United States v. Johnson*, 323 U.S. 273, 274 (1944).

<sup>185</sup> *Hagver v. United States*, 285 U.S. 427, 429 (1932).