

tion of the charge.<sup>186</sup> The assignment of a district judge from one district to another, conformably to statute, does not create a new judicial district whose boundaries are undefined nor subject the accused to trial in a district not established when the offense with which he is charged was committed.<sup>187</sup> For offenses against federal laws not committed within any state, Congress has the sole power to prescribe the place of trial; such an offense is not local and may be tried at such place as Congress may designate.<sup>188</sup> The place of trial may be designated by statute after the offense has been committed.<sup>189</sup>

### NOTICE OF ACCUSATION

The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to insist that the indictment apprise him of the crime charged with such reasonable certainty that he can make his defense and protect himself after judgment against another prosecution on the same charge.<sup>190</sup> No indictment is sufficient if it does not allege all of the ingredients that constitute the crime. Where the language of a statute is, according to the natural import of the words, fully descriptive of the offense, it is sufficient if the indictment follows the statutory phraseology,<sup>191</sup> but where the elements of the crime have to be ascertained by reference to the common law or to other statutes, it is not sufficient to set forth the offense in the words of the statute. The facts necessary to bring the case within the statutory definition must also be alleged.<sup>192</sup> If an offense cannot be accurately and clearly described without an allegation that the accused is not within an exception contained in the statutes, an indictment that does not contain such allegation is defective.<sup>193</sup> Despite the omission of obscene particulars, an indictment in general language is good if the unlawful conduct is described so as reasonably to inform the accused of the nature of the charge sought to be established against him.<sup>194</sup> The

<sup>186</sup> *United States ex rel. Hughes v. Gault*, 271 U.S. 142 (1926). *Cf. Tinsley v. Treat*, 205 U.S. 20 (1907); *Beavers v. Henkel*, 194 U.S. 73, 84 (1904).

<sup>187</sup> *Lamar v. United States*, 241 U.S. 103 (1916).

<sup>188</sup> *Jones v. United States*, 137 U.S. 202, 211 (1890); *United States v. Dawson*, 56 U.S. (15 How.) 467, 488 (1853).

<sup>189</sup> *Cook v. United States*, 138 U.S. 157, 182 (1891). *See also United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 250–54 (1940); *United States v. Johnson*, 323 U.S. 273 (1944).

<sup>190</sup> *United States v. Cruikshank*, 92 U.S. 542, 544, 558 (1876); *United States v. Simmons*, 96 U.S. 360 (1878); *Bartell v. United States*, 227 U.S. 427 (1913); *Burton v. United States*, 202 U.S. 344 (1906).

<sup>191</sup> *Potter v. United States*, 155 U.S. 438, 444 (1894).

<sup>192</sup> *United States v. Carll*, 105 U.S. 611 (1882).

<sup>193</sup> *United States v. Cook*, 84 U.S. (17 Wall.) 168, 174 (1872).

<sup>194</sup> *Rosen v. United States*, 161 U.S. 29, 40 (1896).