

Opinion of the Court.

UNITED STATES v. HAMILTON.

ON CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF
THE CIRCUIT COURT OF THE UNITED STATES FOR THE MIDDLE
DISTRICT OF TENNESSEE.

Submitted October Term, 1882.—Decided October 15th, 1883.

Practice

This court will not take cognizance of a division of opinion between the judges of a circuit court on a motion to quash an indictment.

MR. JUSTICE BRADLEY delivered the opinion of the court.

The certificate of division in this case was made on a division in opinion between the judges on a motion to quash the indictment. As a motion to quash is always addressed to the discretion of the court, a decision upon it is not error, and cannot be reviewed on a writ of error. In the case of *United States v. Rosenburgh*, 7 Wall. 580, we decided the precise point, that this court cannot take cognizance of a division of opinion between the judges of a circuit court upon a motion to quash an indictment. This decision was re-affirmed in *United States v. Avery*, 13 Wall. 251, and in *United States v. Canda*, decided at October term 1881.

The case, not being properly before us, is dismissed.



POINDEXTER v. GREENHOW, Treasurer.

IN ERROR TO THE HUSTINGS COURT OF THE CITY OF RICHMOND,
VIRGINIA.

WHITE v. GREENHOW.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
EASTERN DISTRICT OF VIRGINIA.