

## STATE vs. DENTON.

*See State vs. Hand, ante 169.* This case was dismissed in conformity to the principles there settled.

*Appeal from the circuit court of Van Buren county.*

INDICTMENT for an assault and battery. Denton, the defendant, pleaded not guilty, and was regularly tried and acquitted by the jury. It appears from a bill of exceptions, taken by the State, that, before the jury retired, the attorney for the State asked the court to give them certain instructions, which the court refused, and he excepted. The State appealed.

WATKINS, Attorney General, for the plaintiff.

JOHNSON, C. J., delivered the opinion of the court.

This was a prosecution for an assault and battery, instituted by the appellant against the appellee in the Van Buren circuit court, and determined at the May term thereof, A. D., 1845. The record discloses a regular trial upon the merits, by a jury of the country, an acquittal of the defendant, and a final judgment pronounced upon the verdict. We deem it unnecessary and even improper to enter into any discussion of the points presented by the record, as the case must necessarily go off for the want of jurisdiction. It was decided by this court at the present term, in the case of *The State vs. Hawkins Hand, ante 169*, which is precisely similar to this, that a writ of error would not lie from this court. The question involved in both cases being exactly the same, and the argument there used being strictly applicable here, we do not think it necessary to repeat it. It is manifest for the reasons therein stated that the appeal in this case ought to be dismissed for the want of jurisdiction.

Dismissed.