

## UNITED STATES V. BATES.

{2 Cranch, C. C. 405.}<sup>1</sup>

Circuit Court, District of Columbia. April Term, 1823.

WITNESS—INTEREST—CRIMINAL  
PROSECUTION—TRIAL—RIGHT TO CLOSE.

1. A person who has given a receipt for goods to be delivered to other persons, is a competent witness for the United States, upon a prosecution against another person for stealing the goods.

{Cited in U. S. v. Anderson, Case No. 14,452.}

2. In all criminal prosecutions the attorney for the United States upon the general issue, has a right to close the argument before the jury.

Indictment for stealing a box of books.

Mr. Handy was offered as a witness for the United States.

Mr. Morfit and Mr. Ashton, for prisoner [David Bates], objected that he was interested, as he had given a receipt for the books to B. French, stating them to be so many, more or less, to be delivered to sundry persons. They compared it to the case of forgery, where the person whose name is forged is not permitted to testify; and to the case of usury, where the debtor is not a competent witness until he has paid the debt.

But THE COURT (nem. con.) overruled the objection.

Mr. Morfit, after closing his argument to the jury, contended that the attorney for the United States should not be permitted to reply, inasmuch as the prisoner had not called any witness on his part, but relied on the defect of evidence on the part of the United States. *King v. Lord Abingdon*, 1 Esp. 227.

But THE COURT (nem. con.) said that, however the practice might be in England, in this court the

attorney for the United 1042 States has always had the right, in criminal prosecutions, to close the argument before the jury, upon the general issue.

Verdict, "Guilty." Pardoned by the president of the United States.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]

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