

## UNITED STATES V. BURFORD.

{2 Cranch, C. C. 102.}<sup>1</sup>

Circuit Court, District of Columbia. June Term, 1814.

WITNESS—PROSECUTION FOR  
PERJURY—INTEREST.

A defendant in equity is a competent witness upon an indictment against the plaintiff in equity, for perjury in his affidavit made to procure an injunction.

Indictment for perjury, in [John A. Burford's] the defendant's affidavit to a bill in equity for an injunction against Peter Miller. The attorney for the United States, offered to examine the defendant in equity, Peter Miller, as a witness, to prove the perjury.

Mr. Law and F. S. Key, for defendant, objected that, the question of injunction being still pending, the defendant in equity was not a competent witness to prove the perjury, and cited *Rex v. Dalby, Peake*, 12; and *Rex v. Menetone*, 4 East, 576, note.

But THE COURT (nem. con.) overruled the objection, because the conviction of Burford could not affect the cause in chancery; the oath of the complainant not being in evidence, either on a motion to dissolve the injunction after answer, or on the final hearing, but is only required to satisfy the chancellor that there is prima facie ground to order the injunction.

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