

Case No. 15,302.

UNITED STATES v. HARE.

[1 Cranch, C. C. 82.]¹

Circuit Court, District of Columbia.

April Term, 1802.

COMPETENCY OF WITNESS—INTEREST.

Upon a trial for larceny, the owner of the stolen goods is a competent witness in chief, upon filing with the clerk of the court, for the use of the prisoner, a release of the witness's right to one half of the fine which the court might impose.

[Cited in *U. S. v. M'Cann*, Case No. 15,655; *U. S. v. Tolson*, Id. 16,530. Followed in *U. S. v. Brown*, Id. 14,657.]

Indictment [against John Hare] for stealing a pocketbook and money from Anthony Conrad. This indictment was under the act of-congress of April 30, 1790, § 16 (1 Stat. 112), which imposes a fine of fourfold the value of the goods stolen, and gives one half of that fine to the owner of the goods.

Mr. Mason, for the United States, offered Conrad, the owner of the goods as a witness, and produced a release from Conrad to the prisoner of the half of the fine which might be imposed.

Mr. Jones, for the prisoner, objected that the release cannot operate to convey a mere right to an uncertain future, contingent possibility. Besides, as it is not delivered to the prisoner, he will not accept it

THE COURT ordered the witness, to be sworn, on his delivering the release to the clerk and filing it in the cause.

CRANCH, Circuit Judge, doubted.

¹ [Reported by Hon. William Cranch, Chief Judge.]