UNITED STATES v. HUNTER.

Case No. 15,424.

{1 Cranch, C. C. 317.}[1]

Circuit Court, District of Columbia. June Term, 1806.

EVIDENCE—CONFESSIONS AND ADMISSIONS.

1. A confession made under the impulse of threats or of promises of favor, is not evidence. But facts discovered in consequence of such confession are evidence.

2. Satisfaction to the owner of the goods stolen, is admissible, but if made merely to avoid the inconvenience of imprisonment, and not tinder a consciousness of guilt, it is not evidence against the prisoner.

Indictment {against Frederick Hunter} for larceny.

Mr. W. H. Dorsey, for the prisoner, prayed the court to instruct the jury, that if the prisoner's confession was made after threats, &c, or promises of favor, then neither the confession, nor the making satisfaction to the owner, is competent evidence against the prisoner in this prosecution.

Mr. Jones, attorney for the United States, contended, that if the confession be corroborated by any facts discovered in consequence of the confession, the confession itself may go in evidence.

THE COURT gave the following instruction, namely: If the jury should be satisfied, by the evidence, that the confession of the prisoner was made under the impulse of threats or of promises of favor, such confession is not evidence. But that any facts discovered in consequence of such confession, which facts would in themselves be evidence against the prisoner, are still good evidence, notwithstanding they were discovered by means of the confession. That the fact of payment, or satisfaction to the owner of the things stolen, is a fact admissible in evidence to the jury; but if the jury should believe the payment or satisfaction was made merely to avoid the inconvenience of imprisonment or of a trial, and not under a consciousness of having committed the offence, it is not evidence against the prisoner. Verdict, guilty, and sentenced to be fined ten dollars, and whipped ten stripes.

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