

**Case No. 15,655.** UNITED STATES V. MCCANN ET AL.  
[1 Cranch, C. C. 207.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1804.

WITNESS—COMPETENCY—RELEASE OF INTEREST.

The owner of the goods stolen may release to the United States his interest in the fine which may be imposed, and be examined as a competent witness in chief in behalf of the prosecution, under the act of congress.

Indictment [against McCann and Dulany for stealing a steer, the property of Thomas Young and Thomas Files, under the act of congress. Young and Files having executed a release to the United States of all interest in the fine, &c, were admitted by the court as witnesses generally on behalf of the United States.

Mr. Key, for the prisoners, argued that the United States were not competent to receive a release; that the interests of the United States and the owner were several, not joint; that as a body corporate they could not take a gift of personal property, unless there were some officer authorized by law to accept; that there was nothing in esse which could be the subject of the release.

But THE COURT, contra. This question has already been decided by this court, and they see no reason to alter the former decision. They are confirmed in their former opinion by Esp. Ev. 106, 163, and the case of *Goodtitle v. Welford*, Doug. 139. See *U. S. v. Clancey* [Case No. 14,800]; *U. S. v. Hare* [Id. 15,302].

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