

Case No. 15,680. UNITED STATES v. MCGURK.
[1 Cranch, C. C. 71.]¹

Circuit Court, District of Columbia.

March Term, 1802.

CRIMINAL LAW—MURDER—EVIDENCE—DYING DECLARATIONS.

On a trial for murder the dying declarations of the deceased are evidence.

Indictment [against James McGurk] for the murder of his wife, by beating her, while pregnant with twins, so as to produce a miscarriage and consequent death.

THE COURT permitted her dying declarations to be given in evidence. The authorities, cited upon the trial were 1 Hawk. P. C. 124; Fost. Crown Law, 138, 256, 259; Leach, 141; 4 Bl. Comm. 195; 1 Gilb. Ev. 303; 2 Hale, P. C. 289; Woodcock's Case; Leach, 437, 563, case 218; 1 Bl. Comm. 442.

The prisoner was condemned, and executed October 28th, 1802.

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