

Case No. 16,210. UNITED STATES v. RUTHERFORD.
[2 Cranch, C. C. 528.]²

Circuit Court, District of Columbia.

Dec. Term, 1824.

COMPETENCY OF WITNESSES—RIOT—JOINT INDICTMENT.

1. If three persons be jointly indicted for a riot, and one only be put upon his trial, the other two having forfeited their recognizances, con not be examined as witnesses for the defendant.
2. The offender who has committed an infamous offence, is restored to his competency as a witness, by a pardon.

The defendant [William Rutherford] and two others were indicted for a riot, and also for a simple assault and battery, in separate counts of the same indictment.

Mr. Jones, for defendant, offered to examine as witnesses, the two who had forfeited their recognizances.

THE COURT (nem. con.) refused.

Mr. Jones then offered to examine as a witness, for the defendant, one Golding, who had been convicted under the post-office law of 30 April, 1810 [2 Stat. 592], of embezzling letters and stealing bank-notes there from, but was pardoned by the president.

THE COURT (nem. con.) permitted him to be sworn.

² [Reported by Hon. William Cranch, Chief Judge.]