

Case No. 16,283. UNITED STATES v. SHORTER.
[1 Cranch, C. C. 315.]¹

Circuit Court, District of Columbia.

June Term, 1806.

COMPETENCY OF WITNESSES—INTEREST IN FINE.

The wife of him whose goods are stolen is not a competent witness for the prosecution unless the husband has released to the United States his share of the fine.

[Cited in *U. S. v. Gray*, Case No. 15,252.]

Indictment [against Elizabeth Shorter] for stealing a gold ring and a pair of shoes, the property of Samuel Long. Phoebe Long, his wife, was called as a witness on the part of the United States.

Mr. Caldwell, for the prisoner, objected to her being sworn, because of the interest of her husband in the one half of the fine.

THE COURT (DUCKETT, Circuit Judge, absent) said she was not a competent witness, without a release by her husband, of his right to the fine.

Verdict, guilty.

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