

Case No. 16,530.

UNITED STATES v. TOLSON.

{1 Cranch, C. C. 269.}<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1803.

COMPETENCY OF WITNESS—LARCENY—OWNER OF STOLEN GOODS—VENUE OF CRIME.

1. The owner of stolen goods is a competent witness, after releasing to the United States his share of any fine which the court may impose upon the prisoner.
2. If goods be stolen in Maryland, and brought by the thief into this district, he may be convicted and punished here.

{Followed in U. S. v. Hankey, Case No. 15,328. Cited in U. S. v. Mason, Id. 15,738; U. S. v. Mortimer, Id. 15,821.}

{Cited in Worthington v. State, 58 Md. 407.}

The prisoner [Frank Tolson] was indicted, under the act of congress of 1790 (1 Stat. 112), for the punishment of certain crimes, for stealing a watch in the county of Washington. The evidence was that he stole the watch in Maryland, and brought it into this county.

Mr. Caldwell, for the prisoner, contended, that as the offence was committed under another sovereignty, the English cases respecting goods stolen in one county and carried into another county, did not apply; for both counties in England are under the same jurisdiction, and governed by the same laws. But here the jurisdiction and laws are entirely distinct. The offence must be complete, within our jurisdiction, or it is no offence. But the offence was complete in Maryland, and if he should be convicted and punished here, it would be no bar to a conviction there.

THE COURT, however, overruled the objection (KILTY, Chief Judge, absent), and prisoner was convicted and punished by fine and whipping. Upon the trial, the owner of the watch having released to the United States his share of any fine which the court might impose, was examined as a witness in chief. See 1 Hawk. P. C. c 33, § 9; 2 Hawk. P. C. 221; 7 Coke, 2 (a); 2 Hale, P. C. 163; 2 Hawk. P. C. 220; Doug. 796; 2 Hawk. P. C. 247, § 47; 1 Hawk. P. C. 136; and the case of Com. v. Cullins, 1 Mass. 116. See U. S. v. Clancey [Case No. 14,800]; U. S. v. Hare [Id. 15,302]; U. S. v. McCan [Id. 15,655]; and U. S. v. Brown [Id. 14,657].

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