

Case No. 16,532.

UNITED STATES v. TOMS.

{1 Cranch, C. C. 607.}<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1809.

HORSE STEALING—JURORS—PEREMPTORY CHALLENGES—CONTINUANCES.

Peremptory challenge refused in a case of horse stealing. Continuance, prayed on account of the absence of a witness who could testify that he heard another man confess that he had stolen the horse, refused.

Indictment [against John Toms] for stealing John Cannon's horse. Upon the authority of *U. S. v. McPherson* [Case No. 15,703], in this court at December term, 1807, the prisoner was refused the right of challenge, the offence having been decided to be simple larceny under the act of congress.

THE COURT refused a continuance on the ground of the absence of a witness who would swear that he heard another man confess that he stole such a horse from John Cannon, the court being of opinion that it was not competent evidence.

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