

7FED.CAS.—9

Case No. 3,634.

DAVIS v. FORREST.

{2 Cranch, C. C. 23.}¹

Circuit Court, District of Columbia.

June Term, 1811.

SLAVERY—PETITION FOR FREEDOM—HEARSAY AND RECORD EVIDENCE—IMPEACHING WITNESS.

1. A record of a recovery of freedom by the female ancestor of the petitioner, on the ground of her having been born free, may be given in evidence to support the petitioner's title, although the present defendant was not a party to that record; and the depositions of deceased witnesses, contained in that record, may be read as hearsay, to prove pedigree.
2. A party producing a record in evidence is not obliged to read the whole of it; but the opposite party may read it.
3. Particular acts of turpitude cannot be given in evidence to discredit a witness. The question is only as to his general character for veracity. But see *Wood v. Davis*, 7 Cranch [11 U. S.] 271; *Henry v. Ball*, 1 Wheat [14 U. S.] 1; *Davis v. Wood*, Id. 6.; and *Mima Queen v. Hepburn*, 7 Cranch [11 U. S.] 290.

Petition for freedom.

E. J. Lee, for the petitioner, offered the record of a recovery in a suit for freedom by *Rosamond Bentley v. A. Addison* [unreported], which THE COURT (CRANCH, Chief Judge, absent) admitted as evidence, to prove the freedom of Mary Davis, the ancestor of the present petitioner, and of the said Rosamond Bentley, who was the petitioner's aunt.

Mr. Lee, in support of his motion, contended that hearsay evidence would be admissible, and, if so, a fortiori a record which, although between other parties, goes to the same facts. *Peake*, Ev. 8, 9; *Taylor v. Cole*, cited in 7 Term R. 3, note a; and *Pegram v. Isabell*, 2 Hen. & M. 193.

THE COURT also suffered the depositions of witnesses, now dead, which had been taken in that suit and made part of that record, to be read in evidence as hearsay. THE COURT also suffered the defendant to read such parts only of a record which he produced as he thought proper, and said it was competent for the counsel of the petitioner to read the residue. THE COURT also admitted in evidence the record of a recovery by the petitioner's sister, Susan Davis, of her freedom, on the ground of having been free-born.

Verdict for the defendant

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