

Case No. 8,364.

EX PARTE LINDO.

[1 Cranch, C. C. 445.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1807.

WITNESS—ANSWER TENDING TO CRIMINATE.

A witness must answer whether he saw the defendant at a public gaming-table, inasmuch as the answer cannot criminate or tend to criminate the witness himself.

Rule to show cause why an attachment of contempt should not issue against a witness for not answering this question by the grand jury, “Did you within the last three months see Richard Lewis play at any public gaming-table within the county of Alexandria?”

The witness [Abraham Lindo] objects that it may tend to criminate himself, by showing that he was present at a public gaming-table, and may induce Lewis to prosecute him.

Mr. Swann, for the witness, cited 1 Morgan, Essays, 438; 2 Hawk. p. 609, c. 46, § 20; 1 Atk. 539.

But THE COURT (DUCKETT, Circuit Judge, absent) decided that he must answer, inasmuch as the answer could not criminate nor tend to criminate himself. Whereupon he submitted to answer.

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