

MINCHIN v. DOCKER.

[1 Cranch, C. C. 370.]¹

Circuit Court, District of Columbia. Dec. Term, 1806.

WITNESS—NEGRO—COMPETENCY—PRESUMPTION.

1. A free black man, born of a white woman, is a competent witness against a white man.
2. Evidence that a black man has, for many years, publicly acted as a free man, and been generally reputed to be free, rebuts the presumption of slavery arising from color, and is evidence that he was born of a white woman.

Slander. Charles Cavender, a black man, was admitted to testify for the plaintiff, after witnesses had been examined by the court on oath, and testified that Charles had acted publicly for eleven years as a free man, and was generally reputed as such.

DUCKETT, Circuit Judge, said that persons born free, that is, descended from a white woman, were not, in Maryland, held to be negroes; and were permitted to testify against white persons. And although color is prima facie evidence of slavery, yet the fact that the witness had, for a long time, publicly acted as free, turned the presumption the other way, and was prima facie evidence that he was born of a white woman.

CRANCH, Chief Judge, concurred.

FITZHUGH, Circuit Judge, absent.

See Acts Assem. Md. 1717, c. 13, § 2, and Acts 1796, c. 67, § 5.

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