

MURRAY v. DULANY.

{3 Cranch, C. C. 343.}¹

Circuit Court, District of Columbia. Nov. Term, 1828.

WITNESS—MULATTO—PROOF OF FREEDOM.

In assault and battery, the plaintiff, being a mulatto, cannot, at the trial upon the general issue, be compelled to prove his freedom.

Assault and battery. The plaintiff [George Murray] was a mulatto.

Mr. Wise, for the defendant [Henry R. Dulany], contended that the plaintiff should prove his freedom.

But THE COURT (MORSELL, Circuit Judge, absent) said, that the defendant had waived the objection to the person of the plaintiff by pleading the general issue.

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

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