

Case No. 10,516.

O'NEALE v. WILLIS.

{2 Cranch, C. C. 108.}¹

Circuit Court, District of Columbia. July Term, 1809.

WITNESS—FREEDMAN—COMPETENCY.

Quære, whether a free colored man is a competent witness in a cause between white persons.

Assault and battery, by beating the plaintiff's slave. A free colored man was offered by the plaintiff as a witness.

THE COURT was divided as to his admission.

CRANCH, Chief Judge, was in favor of admitting him, upon the authority of *U. S. v. Mullany* [Case No. 15,832], in this court, at July term. 1809.

THRUSTON, Circuit Judge, contra. The witness was not sworn. A juror was withdrawn by consent

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

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