

PIPSICO v. BONTZ.

{3 Cranch, C. C. 425.}¹

Circuit Court, District of Columbia. April Term, 1829.

INDEBITATUS ASSUMPSIT FOR WORK AND
LABOR—COMPETENCY OF COLORED MAN AS
WITNESS.

1. If work and labor he done according to special agreement, the plaintiff may recover upon a general indebitatus assumpsit.
2. In Alexandria, a colored man is not a competent witness for or against a white man.

Indebitatus assumpsit for work and labor.

The plaintiff offered evidence of a special agreement for \$100 a year, and that the service was performed according to the agreement.

The defendant's counsel objected, that there was no count upon the special agreement.

THE COURT overruled the objection on the authority of the Bank of Columbia v. Patterson, 7 Cranch [11 U. S.] 299.

Mr. Taylor and Mr. Neale, for plaintiff.

Mr. Hooe and Mr. Hewitt, for defendants.

The defendants' counsel offered a free mulatto as a witness for the defendants.

Mr. Taylor, for plaintiff, objected; and cited the Virginia laws (Rev. Code, p. 187, December 17, 1792, c. 103, § 5), that "no negro or mulatto shall be a witness, except in pleas of the commonwealth against negroes or mulattoes; or in civil pleas where negroes or mulattoes alone shall be parties."

THE COURT rejected the witness.

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

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