

UNITED STATES v. BROCKETT.

{2 Cranch, C. C. 441.}<sup>1</sup>

Circuit Court, District of Columbia. Nov. Term, 1823.

SLAVERY—INDICTMENT FOR BEATING SLAVE.

To cruelly, inhumanly, and maliciously cut slash, beat, and ill-treat one's own slave, is an indictable offence at common law.

The indictment charged that the defendant [Robert Brockett, Sr.], "in and upon one negro slave, named Nat the property of him, 1242 the said Robert Brockett, Sen., in the peace of God and of the United States, then and there being, did make an assault, and him, the said negro Nat, did then and there cruelly, inhumanly, and maliciously, cut, slash, beat, and ill-treat, and other wrongs and injuries to the said negro Nat, then and there did, to the great damage of the said negro Nat, and against the peace and government of the United States."

Mr. Taylor, for defendant, contended that if the whipping be private, there is no limit, so that it does not extend to voluntary killing or mutilation. But in order to prevent the necessity of the court's giving any instruction on this point, he admitted that if the jury should be of opinion that the offence justified the language of the indictment, it is an indictable offence.

Mr. Swann, for United States, cited *Respublica v. Teischer*, 1 Dall. [1 U. S.] 335.

The jury found the following verdict: "We, of the jury, find the traverser not guilty of the counts as stated in the indictment, but recommend that the court should express their strong disapprobation of similar conduct. C. Griffith, Foreman."

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

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