

Case No. 14,699. UNITED STATES v. BUTLER.
[2 Cranch, C. C. 75.]¹

Circuit Court, District of Columbia.

June Term, 1812.

WITNESS—SLAVE—FREE NEGROES.

1. A slave is not a competent witness against a free black person, in a capital case.
2. But free blacks, unless they are in a state of servitude by law, are competent witnesses against free blacks.

Indictment for arson in burning the stable of Hieronimus.

Mr. Jones, for the United States, offered a slave as a witness.

Mr. Key, for defendant [Minta Butler, a free black woman], objected that he was not a competent witness against a free negro in a capital case.

Mr. Jones admitted the objection to be good.

Mr. Key then objected to free negroes as witnesses against the prisoner, and cited the Maryland act of 1717, c. 13, § 3.

But THE COURT (FITZHUGH, during their term of servitude by law, or mulattoes, during their term of servitude by law, were excluded by that act.

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