

Case No. 14,741.

UNITED STATES v. CARTER.

[4 Cranch, C. C. 732.]<sup>1</sup>

Circuit Court, District of Columbia.

Oct. Term, 1836.

COURTS—DISTRICT OF COLUMBIA—JURISDICTION OVER OFFENCES BY  
NEGROES—VIRGINIA STATUTE.

An indictment at common law, in the county of Alexandria, will be against a free negro or mulatto for assault and battery upon a white man; notwithstanding the Virginia statute of December 17, 1792, § 17.

To an indictment at common law for assault and battery upon William Ball, a white man, the defendant, [George Carter,] by his counsel, Mr. Neale, filed the following plea:—"And the said George Carter in his own proper person comes and says that the said United States ought not, neither ought the judges of the United States for the county of Alexandria in the District of Columbia, to have or take further cognizance of the indictment aforesaid; because he says that the cause or causes of action by indictment, and each and every of them are out of the jurisdiction of the honorable the judges of the circuit court of the District of Columbia held for the county of Alexandria. Because, he further says, 1. That he is a freeman of color. 2. That even if he was guilty of the offence as charged in the indictment, still it is not such an offence as this court can entertain by indictment, at common law, or under any other law; "because, by the act of assembly of Virginia, now in force in this county, (Alexandria,) entitled 'An act to reduce into one the several acts concerning slaves, free negroes, and mulattoes,' passed the 17th of December, 1792, such offence, if committed by 'any negro or mulatto, bond or free.' shall be tried before a justice of the peace of the county or corporation where such offence shall be committed; and, if convicted, shall receive such punishment as the justice shall think proper, not exceeding-thirty lashes on his or her bare back. That there is no law in the District of Columbia or in the county of Alexandria which gives this honorable court jurisdiction in this case, and this he is ready to verify. Wherefore he prays judgment if the said United States, or the honorable the judges of the United States for the District of Columbia and county of Alexandria, will or ought to take further cognizance of the indictment aforesaid." To this plea was appended the usual affidavit.

THE COURT (nem. con., but THRUSTON, Circuit Judge, doubting,) overruled the plea.

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