

Case No. 14,894.

UNITED STATES v. CROSS.

[4 Cranch, C. C. 603.]¹

Circuit Court, District of Columbia.

Nov. Term, 1835.

INDICTMENT FOR BEATING SLAVE.

It is an indictable offence to cruelly beat the slave of another, in the public highway and leave her there, exposed to public view.

The first count of the indictment was for a common assault and battery on "one negro Milly." The second count charged the defendant [George Cross] with an assault upon one negro Milly, "in a public road and highway in the county aforesaid," and cruelly beating her, "to the great damage of the said Hilly and to the terror and disturbance and annoyance of the good citizens of the United States then and there passing and repassing on and near the said public road and highway, and there and thereabouts living and abiding, and against the peace and government of the United States." It appeared in evidence that Milly was the slave of Mr. Z. Walker; and at the prayer of the attorney of the United States—

THE COURT instructed the jury that if they should be of opinion, from the evidence, that the defendant cruelly beat the slave in the public highway, and left her there, exposed to public view, it was an indictable offence.

THRUSTON, Circuit Judge, however, was of opinion that it was not an indictable offence unless the beating was in the public view.

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