

## Case No. 15,101.

## UNITED STATES v. FISHER.

{1 Cranch, C. C. 244.}<sup>1</sup>

Circuit Court, District of Columbia. July Term, 1805.

## WITNESS—FREE

## NEGRO—SLAVERY—PRESUMPTION.

1. A free negro is a competent witness against a free white man Quære.

{Cited in U. S. v. Mullany, Case No. 15,832.}

2. General reputation of freedom is sufficient to rebut the presumption of slavery arising from color.

{This was an indictment against Henry Fisher, a free white man.}

Indictment for beating prisoner's wife. The assault having been proved by Mr. Threlkield, Lucy Butler, a black woman, was offered as a witness on the part of United States. Mr. Threlkield having sworn that she had always passed for a free woman for many years, the court permitted her to be sworn to the jury.

Quære. See the act of assembly of Maryland (1717, c. 13, § 2).

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

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