

UNITED STATES v. FITTON.

{4 Cranch, C. C. 658.}¹

Circuit Court, District of Columbia. Nov. Term, 1835.

WITNESS—ASSAULT AND BATTERY UPON WIFE.

Upon an indictment against the husband for assault and battery of his wife, she may be examined as a witness against him.

[Followed in [U. S. v. Smallwood](#), Case No. 16,316.]

This was an indictment [against Thomas Fitton] for an alleged cruel assault and battery of the defendant's wife.

Mr. Key, for the United States, offered the wife as a witness against her husband.

Mr. Mason, for defendant, objected; but.

THE COURT (nem. con.) permitted her to be sworn and examined. See [McNal. Ev. c. 16](#), pp. 160-176; [3 Chit Cr. Law](#), 819; [1 Starkie, Ev. 84](#), So, 705, 706; [Davis v. Dinwoody](#), 4 Term R. 678; [2 Russ. 604](#), and the cases there cited. The wife's testimony was slightly corroborated, but strongly discredited by evidence of her habits and conduct.

Verdict for the defendant.

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

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