UNITED STATES v. HILL.

Case No. 15,365.

{1 Cranch, C. C. 521.}[1]

Circuit Court, District of Columbia. Dec. Term, 1808.

COMPETENCY OF WITNESSES—SLAVES.

A slave is not a competent witness against a free-born mulatto not subject to any term of servitude by law.

{Cited in U. S. v. Gray, Case No. 15,252.}

Indictment for stealing a gold watch. The defendant {Peggy Hill} was a free born mulatto, not subject to any term of servitude by law.

Mr. Jones, for the United States, offered Charity, a slave, as a witness against the prisoner. See U. S. v. Mullany {Case No. 15,832}. In the case of U. S. v. Terry {Id. 16,454}, at June term, 1806, at Washington, and in the case of U. S. v. Shorter {Id. 16,284}, at December term, 1806, a slave was admitted as a witness for free negroes.

But THE COURT (DUCKETT, Circuit Judge, absent), having more fully considered the Acts of Assembly of 1717, c. 13, and 1751, c. 14, § 4, were of opinion that a slave is not a competent witness against a free-born mulatto, not under a state of temporary servitude. It is also clear, that the slave cannot be admitted under the third section of the act of 1717. It cannot be implied, from the exclusion (in the second section) of slaves as witnesses against a white person, that they may be admitted against a free person of color; for the principles of the civil law, and of the laws of every country where slavery is tolerated, exclude them as witnesses against a free person.

Mr. Hiort, for the prisoner.

Verdict, "Not guilty."

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