

Case No. 16,416. UNITED STATES v. SUMMERS.
[4 Cranch, C. C. 334.]¹

Circuit Court, District of Columbia.

Oct Term, 1833.

CRIMINAL LAW—PEREMPTORY CHALLENGES.

Peremptory challenge allowed, upon an indictment for stealing a slave, in Alexandria, D. C.

Indictment for stealing a slave, the property of Mrs. Jenkins, under the Virginia statutes of December 17, 1792, p. 190, § 29, and January 25, 1799, p. 387, making it a felony punishable by death without benefit of clergy; and the penitentiary act of congress, § 14, changing the punishment from death to penitentiary confinement and labor (4 Stat. 448).

A question was made whether he had a right to peremptory challenge, under the Virginia law of the 13th of November, 1792, p. 103, § 8.

THE COURT (THRUSTON, Circuit Judge, contra) allowed the peremptory challenge. Verdict, not guilty.

But see *U. S. v. Hall*, at May term, 1843 [unreported].

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