

Case No. 16,641. UNITED STATES v. WARE.

[2 Cranch, C. C. 477.]¹

Circuit Court, District of Columbia.

May Term, 1824.

JURORS—CHALLENGES IN CAPITAL CASES—QUAKERS.

It is good cause of challenge, in a capital case, that the juror is a Quaker, and has conscientious scruples as to the lawfulness of taking away human life for any offence.

Betsey Ware, a free colored woman, was indicted for burglary in the dwelling house of E. J. Lee, Esq. Two of the jurors, W. Stabler and George S. Hough, when called to be affirmed, stated in open court that they were of the Society of Friends, and had scruples of conscience in regard to the lawfulness of capital punishment; and did not, in their conscience, think it lawful to take the life of a human being.

Mr. Hewitt, for the prisoner, objected that the jurors could not challenge themselves.

Mr. Taylor, for the United States (in the absence of the district attorney) then challenged them for cause, alleging that they did not stand indifferent

THE COURT said it was a good cause of challenge, and the jurors were set aside.

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