

28FED.CAS.—34

Case No. 16,667.

UNITED STATES v. WEST.

{5 Cranch, C. C. 35.}<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1836.

SLAVERY—PRESUMPTION FROM COLOR—EVIDENCE TO REBUT.

Evidence that a colored person has resided in the county and city of Washington for a year and more, going at large as a free person, and claiming to be free, in the absence of all contradictory evidence, except color, is sufficient to rebut the presumption of slavery, arising from color.

A colored woman was offered as a witness for the United States.

W. L. Blent, for defendant [the negress Priscilla West] objected that prima facie she was a slave.

Mr. Eckloff testified that she had lived in his family as a free woman; that he had known her about twelve months; and that she was generally reputed to be, and passed as a free woman.

D. Waters, a constable, testified that he had known her about a year, and that she was generally reputed to be a free woman. That she had acted openly as such, and everybody believed her to be free.

THE COURT (nem. con.) said this evidence was sufficient to rebut the presumption arising from color, and to throw the burden of proof on the defendant.

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