Davis Vs. Wood

Davis Vs. Wood

SooperKanoon Citation : sooperkanoon.com/78693

Court : US Supreme Court

Decided On : 1816

Appeal No. : 14 U.S. 6

Appellant : Davis

Respondent : Wood

Judgement :

Davis v. Wood - 14 U.S. 6 (1816)
U.S. Supreme Court Davis v. Wood, 14 U.S. 6 (1816)

Davis v. Wood

14 U.S. 6

SYLLABUS

Evidence by hearsay and general reputation is admissible only as to pedigree, but not to establish the freedom of the petitioner's ancestor and thence to deduce his or her own.

Verdicts are evidence between parties and privies only, and a record proving the ancestor's freedom to have been established in a suit against another party by whom the petitioner was sold to the defendant in the present cause is inadmissible

evidence to prove the petitioner's freedom.

This case was similar to the preceding, in which the petitioners excepted to the opinion of the court below:

1st. That they had offered to prove by competent witnesses that they (the witnesses) had heard old persons, now dead, declare that a certain Mary Davis, now dead, was a white woman, born in England, and such was the general report in the neighborhood where she lived, and also offered the same kind of testimony to prove that Susan

Page 14 U. S. 7

Davis, mother of the petitioners, was lineally descended in the female line from the said Mary, and it was admitted that said Susan was, at the time of petitioning, free and acting in all respects as a free woman, which evidence, by hearsay and general reputation, the court refused to admit except so far as it was applicable to the fact of the petitioners' pedigree.

2d. That they having proved that the petitioners are the children of Susan Davis and that she is the same person named in a certain record in a cause wherein Susan Davis and her daughter Ary were petitioners against Caleb Swan, and recovered their freedom, the plaintiffs offered to read said record in evidence to the jury as *prima facie* testimony that they are descendants in the female line from a free woman who was born free, and are of free condition, connected with the fact that the defendant in this cause sold said Susan to Swan, the defendant in said record, which the court refused to suffer the petitioners to read to the jury as evidence in this cause.

Page 14 U. S. 8

MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court and stated, that, as to the first exception, the Court had revised its opinion in the case of *Mima Queen v. Hepburn,* and confirmed it.

As to the second exception, the record was not between the same parties. The rule is that verdicts are evidence between parties and privies. The Court does

Page 14 U. S. 9

not feel inclined to enlarge the exceptions to this general rule, and therefore the judgment of the court below is

Affirmed.