

August 19.

A complaint had been made on June 9th to the Commissioners of the Alms House and Overseers of the Poor of New York City, that they were charged with the support of a certain bastard child of one Lucy Williams, and that one Alexander Whistelo, a negro, was the reputed father of the said child. The negro on June 10th appeared before the Magistrates and pleaded not guilty to the charge, and after hearing witnesses the Magistrates disagreed and the case was brought to this Court for decision.

*Mr. Vanhook*<sup>4</sup> for the prosecution; *William Sampson*,<sup>5</sup> *Jacob Morton*<sup>6</sup> and *Mr. Nitche* for the prisoner.

*Mr. Vanhook* said the points upon which it had been drawn into doubt, and which occasioned the reference to the decision of this Court, were two: First, whether the witness was to be believed; Secondly, whether the fact she swore to was possible. He observed that although many witnesses of learning and experience in such subjects had been called to give their opinions for the satisfaction of the Court, yet he conceived it to be a matter on which technical knowledge could not throw much light; and that each of the members who composed the Court were as well able to form a correct opinion as any professional man whatever. The woman had already sworn positively; and evidence of opinion that went

York City directory for 1808: P. C. Van Wyck, counsellor and recorder, 1 Wall Street; and Samuel Van Wyck, attorney and counsellor, 53 Partion Street. The Van Wyck Genealogy (1912) has Pierre Van Cortlandt Van Wyck (son of Abraham Van Wyck and Catharine Van Cortlandt), born about 1780, and married Alice Young. He was Recorder and District Attorney of New York. See 1 Am. St. Tr. 675, 685. 2 Id. 787.

<sup>4</sup> See 2 Am. St. Tr. 203. In the New York City Directory for 1808 there are two of this name: "Wm. Vanhook, Attorney," and "Isaac A. Vanhook, Counsellor." The latter was Colonel of the Fifth Regiment, New York City Volunteers.

<sup>5</sup> See 1 Am. St. Tr. 63.

<sup>6</sup> MORTON, JACOB. Born New York City, 1760; member New York Assembly, 1795; Justice of the Peace, 1797; Colonel of the New York State troops and a Brigadier General in the War of 1812; died in New York City.