

it on the books; the black man, Whistelo, took the child, but said at the same time that it was not his.

Dr. De Witt. Have no doubt it is the child of a white man.

Adam Ray (a black). Knew of Whistelo having taken the child to board, and of the mother having it carried away; asked her reasons for taking it back; and her answer was, that since he would not own the child at first, he should not have it now, for it was not his.

Nancy Cook. Lived with the witness six weeks; can not say as to her character, but saw a very *light* man in bed with her; there were two beds in the room; Lucy Williams had one, and I the other; I fell asleep; a man lay with Lucy all night.

August 20.

Dr. Mitchill (sworn.)[†]

Mr. Vanhook. From your observations upon those persons, Dr. Mitchill, and from what you know of this case, be so good to state your belief, whether that child is or is not the child of that black man? It is then expected that I should give an opinion touching the parentage of the child? Yes, sir; whether from all the circumstances, you believe that black man to be its father? It may be expected, perhaps, that I should give my reasons for my opinion, that it may be judged upon its own merits? If you please, doctor; the more so, as the counsel on the other side will probably inquire into them.

Dr. Mitchill.[†] There are three general rules, as far as I under-

stand, touching the propagation of men between the white and black race. First, when the connection has been between white and black, the offspring is a mulatto; second, when the child is produced from an intercourse between a white man and a mulatto, it is then called a quadroon; thirdly, when it is between a black and a mulatto, it is called a sambo. In the French and Spanish islands there are more minute distinctions; but for more certain information, I refer the court to Bryan Edwards' History of the British Colonies in the West Indies, by which any errors of my memory may be corrected. The principle, however, is, that the shade is between the two in equal degree; and it is told in a way that meets my assent, that when a rapid succession of intercourse has taken place between a woman and two men of different colors, twins have been produced of the opposite colors.

Mr. Morton. What are we to understand, doctor, by rapid succession? When a white man succeeds to a black, or a black to a white almost instantaneously. Do not accidental causes sometimes operate a change on the foetus at or after the time of conception? Yes, sir. Will you be good enough to describe them? The changes which take place in the human form during the time of conception are reducible to three heads, according to the observations of D'Azara in his history of the quadrupedes of Paragua. First, when there is an alteration of complexion so as to render the

[†] See 3 Am. St. Tr. 613, and see preface to same volume, page 14.