

Transcription

The son of John E. Ferguson, though legally not a Negro, is also not white

MIXED BLOOD.—This vexed question came before the Mayor yesterday, and was decided by him, in a long, well digested opinion, which seems to be fully borne out by the law books. The case in point was that of Wm. Ferguson, charged with making a violent assault, on the 19th of August, upon John Cooper, a free negro, and with cutting his ear with a stone.

When this cause was first brought to the attention of the Major, Ferguson, with a certificate from the Hustings Court that he was not a negro, made his appearance to answer, and through his counsel, objected to the introduction of negro evidence against him, on the ground that negroes and Indians were incompetent witnesses, save against negroes and Indians, to neither of which class did he belong.

Yesterday morning the Mayor reviewed all of the laws relative to negroes and mulattoes, and following the acts of the Legislature, step by step, up to the revision of the Code, gave it as his opinion, that "mixed bloods" were nothing more nor less, under the law, than free negroes, relieved of the disability of being sold for taxes or county levies, or carrying registers, or from returning to the Commonwealth after visiting a free State, and regulations of that character. He was satisfied that the Legislature had never intended to make white persons of this class, or to create a third class in the State, and until overruled by an appellate tribunal, he should look upon them as free negroes, and treat them as such. He therefore decided that negro testimony was competent evidence against Ferguson, and as such, received the statement of Cooper and two other negroes. At the conclusion of the evidence, Ferguson was remanded for indictment for the assault by the Grand Jury, which sits the second Monday in November. The prisoner gave bail to answer at the time named, and was then discharged.

Citation: Richmond *Daily Dispatch*, September 1, 1858.