

*State v. Piver*, 3 N.C. 79, N.C.Super.L. & Eq. 1799)

HE was indicted for the murder of a negro slave, and now upon his trial it appeared, that returning home from a neighbour's house, with a gun, in a public road, the deceased came meeting him, and the prisoner, a boy of about 13 or 14, said to him jocosely, stand off or I will shoot you; my gun is charged with buck shot: The deceased continued to walk on, and Piver got before him on that side the road which the other had taken, whereupon the negro shoved him with some violence to the other side of the road, and Piver would have fallen had he not caught on his hands; the deceased passed by, and Piver rose up and shot him, so that he died.

Per curiam.

This is manslaughter; and in the act of Assembly against the malicious killing of slaves there is no punishment affixed to manslaughter; so he must be acquitted.

Verdict accordingly.