

Case No. 1,382.

BIAS V. ROSE.

[2 Cranch, C. C. 159.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1818.

SLAVERY—DISTRICT OF COLUMBIA—PETITION FOR FREEDOM.

A slave brought into the county of Washington from Maryland, by his owner, and within three years thereafter mortgaged for his full value, does not thereby acquire a right to his freedom.

This was a petition for freedom, submitted to the court by Mr. Key, for [the negro Samuel Bias] the petitioner, and Mr. Jones, for [John Rose] the defendant, upon a case in which it was stated that the petitioner was brought into this county from Maryland, by one Richards, his owner, and within three years thereafter was mortgaged by Richards to W. Bowie, who assigned the mortgage to the defendant, who holds the petitioner under the mortgage. That Richards became insolvent, and was discharged under the insolvent act of the District of Columbia. The petitioner claims his freedom under the act of Maryland of 1796, c. 67, §§ 1–3. The first section is general, and prohibits the importation of slaves to reside, or for sale, and declares that if so imported they shall be free. The second section excepts slaves brought in by citizens of the United States, coming with a bona fide intention of settling in the state; but the third section says that nothing in the act contained shall be construed to enable any person, so removing, to sell or dispose of any slave so imported, unless such person

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shall have resided within the state three whole years next preceding such sale.

THE COURT (THRUSTON, Circuit Judge, not sitting) was of opinion that the law was against the petitioner, and rendered judgment for the defendant.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]