

Case No. 1,731.

BOWIE v. HUNTER.

[4 Cranch, C. C. 699.]]¹

Circuit Court, District of Columbia.

March Term, 1836.

EVIDENCE—DECLARATIONS—IMPEACHING BILL OF SALE.

To prove that the bill of sale of a slave by a mother to her son was fraudulent as to her creditors, her declarations, prior to the date of the deed, were permitted to be given in evidence.

At law. Replevin for a slave named Mahala. The defendant [Alexander Hunter], the marshal of the District of Columbia, had taken the slave by virtue of fi. fa. against one Elizabeth Beale, the mother of the plaintiff [Allen P. Bowie]. The plaintiff claimed the slave under a bill of sale made by her to him, on the 22d of October, 1831, acknowledged and recorded the same day.

Mr. Bradley, for the defendant, contended that the bill of sale was fraudulent as to Mrs. Beale's creditors, and offered evidence to prove, that shortly before the execution of the bill of sale, she declared she would convey away all her property, so that the creditor,

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who had obtained judgment against her, should never recover his debt.

Mr. Brent & Son, for the plaintiff, objected, that her declarations could not be given in evidence against her vendee, the plaintiff.

But THE COURT (CRANCH, Chief Judge, contra) permitted the evidence to be given. The reason stated by MORSELL, Circuit Judge, was that, perhaps, a knowledge of such declarations may, by the evidence, be brought home to the plaintiff.

Mr. Brent moved for a new trial, and cited 5 Binney, 109; 3 Wheeler, 260. But THE COURT refused to grant it.

¹ [Reported by Hon. William Cranch, Chief Judge.]