

Case No. 3,139.

CONTEE v. GARNER.

[2 Cranch, C. C. 162.]¹

Circuit Court, District of Columbia,

Dec. Term, 1818.

PLEADING—VERIFICATION—CONTRACT BY SLAVE.

1. A special plea of non est factum must conclude with a verification.
2. A slave cannot bind himself, at law to pay money to his master, even for his freedom.

The defendant pleaded, that at the time of signing the bond he was a slave, and so non est factum, and concluded to the country. Special demurrer, because he did not conclude with a verification.

Mr. Law, in support of the demurrer, cited *Whelpdale's Case*, 5 Coke, 119; 1 Chit. Pl. 537; *Bushell v. Pasmore*, 6 Mod. 218; and Story, Pl. 189.

Mr. Jones, for defendant, submitted the question without argument.

THE COURT (THRUSTON, Circuit Judge, absent) was inclined to think that it ought to have concluded with a verification.

THE COURT also decided that a slave cannot bind himself, at law, to pay money to his master, even for his freedom.

By consent, the plea was amended, the demurrer withdrawn, and issue joined upon the replication to the plea. Upon the trial, the plaintiff, was non prossed.

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