

15FED.CAS.—14

Case No. 8,193.

LEE v. LACEY.

[1 Granch, C. C. 263.]¹

Circuit Court, District of Columbia.

Nov. Term, 1805.

SLAVERY—CARRYING AWAY SLAVE—KNOWLEDGE OF CARRIER.

In an action upon the case against the master of a vessel, for carrying, or attempting to carry away the plaintiff's slave, contrary to the act of Virginia of 25th of January, 1798, §§ 6, 7, the defendant is not liable unless he knew that the slave was on board.

This was an action upon the case upon the statute of Virginia of 25th January, 1798, §§ 6, 7, by [E. J. Lee,] the owner of a slave, against [Benjamin Lacey,] the master of a Georgetown packet-boat, for damages for carrying the plaintiff's slave from Alexandria to Georgetown, whereby the plaintiff lost the service of the slave from the 29th of April to the 21st of May, and was put to great expense, &c. There were two counts upon the statute, namely, one for carrying away, and the other for attempting to carry away a negro belonging to the plaintiff. There were also several counts at common law.

Mr. Jones and C. Lee, for plaintiff.

Mr. Swann, for defendant.

THE COURT instructed the jury, that if the defendant had no knowledge of the negro coming on board, nor of his being on board his boat, nor of his going out of his boat in Georgetown, the defendant was not liable; but that if the defendant saw the negro during the passage, or knew of his being on board his boat, and suffered him to land and go at large in Georgetown, he was liable in this action for damages if the plaintiff can prove that he sustained any thereby. Verdict for the plaintiff, 120 dollars.

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