

Case No. 8,546.

LOVE v. BOYD.

[2 Cranch, C. C. 136.]¹

Circuit Court, District of Columbia.

Nov. Term, 1818.

SLAVERY—POSSESSION FOR FIVE YEARS—DEED TO SLAVE.

In Virginia a person who has been in possession of a slave for five years need not show the deed under which he claims title.

This was an action upon the case [by Richard H. Love] against [Washington Boyd] the marshal of the District of Columbia, for negligently suffering the plaintiff's female slave Jane to escape from his custody to which the slave, who had sued for her freedom, had been committed for safe keeping by order of this court, the owner having failed to give security to have her forthcoming to answer the judgment of the court, according to the provisions of the act of Virginia.

Mr. Swann, for plaintiff, offered parol evidence that the plaintiff held possession of the slave for more than five years under a deed of trust.

Mr. Taylor, for defendant, objected to the parol evidence, and contended that the deed must be produced, and that no possession under the deed can be proved until the deed is produced; and THE COURT (THRUSTON, Circuit Judge, absent) inclined to that opinion; but said that the point might be saved; whereupon the parties agreed that the parol evidence offered by Mr. Swann, should be submitted to the jury; and that if the verdict should be for the plaintiff, and the court should be of opinion that the evidence was not competent, the verdict should be set aside and a nonsuit entered.

Verdict, for the plaintiff, \$250.

On a subsequent day THE COURT rendered judgment for the plaintiff on the verdict, being of opinion that five years' possession was sufficient evidence of title without showing the deed under which the plaintiff claimed.

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