

Case No. 9,192.

MARY v. TALBURT.

[4 Cranch, C. C. 187.]¹

Circuit Court, District of Columbia.

Dec. Term, 1838.

SLAVES—SUIT FOR FREEDOM—RUNNING AWAY.

1. A slave, brought into the county of Washington, D. C., from Virginia, by her owner, afterwards ran away, and her owner sold her “running.” *Held*, that she did not thereby lose the benefit of the provision of law in her favor.
2. A person coming to reside here may, under the 2d section of the Maryland statute of 1796, c. 07, lawfully bring his slaves with him; but if he sells them within three years after his removal, he loses the benefit of the exception in his favor, continued in the 2d section, and they are entitled to their freedom under the 1st section of the act.

Petition for freedom.

R. S. Coxe, for defendant, prayed the court to instruct the jury, that if the petitioner was brought here from Virginia by her lawful owner, and afterward ran away, and her owner sold her running, supposing her to be then in Virginia; the running away in fraud of the law will prevent the slave from the benefit of the provision in her favor.

THRUSTON, Circuit Judge, stated the construction of the statute to be this: By the 1st section of the Maryland act of 1796, c. 67, a slave imported, for sale or to reside, is free. The 2d section contains an exception in favor of those who come here to reside. The 3d section is an exception to the 2d so as to prevent it from operating in favor of an owner so removing, who shall sell the slave within three years after his removal.

THE COURT said that THRUSTON, Circuit Judge, stated the law correctly, as it had been decided lately in a case in Alexandria, in which Mr. Taylor was engaged. *Harris v. Alexander* [Case No. 6,113], at April term, 1830.

THE COURT refused to give the instruction prayed by Mr. Coxe.

Verdict for the petitioner.

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