

MOODY v. FULLER.

[5 Cranch, C. C. 303.]¹

Circuit Court, District of Columbia.

March Term. 1837.

SLAVERY—REMOVAL INTO DISTRICT OF
COLUMBIA—SALE WITHIN THREE YEARS—SUIT
FOR FREEDOM.

An officer of the United States, being the bona fide owner of a slave in Fortress Munroe, a place within the United States, but not within the jurisdiction of any one of the states, and removing thence with his family to the city of Washington in the District of Columbia, to reside therein, and bringing his slave with him, cannot lawfully sell such slave within three years after such removal and importation; and such slave, by such importation and sale, becomes free.

Petition for freedom.

Mr. Bradley, for defendant [Azariah Fuller] prayed the court to instruct the jury that if, from the evidence, they shall be of opinion that Andrew B. McLean was the bona fide owner of the petitioner [the negress Sally Moody] and, while such bona fide owner, resided as an officer of, and in the employment of the United States, for a series of years, at Fortress Munroe, within the territory of the United States, and not within the limits of any state of this Union, and brought her from the said territory into the District of Columbia, with his family, when he removed here to reside; then, although the jury shall further find that the petitioner was sold within three years after such removal into the said district, she is not entitled to her freedom under such removal and sale, unless they shall further find that such residence at said Fortress Munroe was intended to defeat or avoid the law prohibiting the importation of slaves.

Mr. Dermott, for petitioner.

But THE COURT (nem. con.) refused to give the instruction.

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

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