

## Case No. 12,873.

SIMON ET AL. V. PAINE.

[4 Cranch, C. C. 99.]<sup>1</sup>

Circuit Court, District of Columbia. Nov. Term, 1830.

SLAVERY—SUIT FOR FREEDOM—WHERE ACTION  
MAY BE MAINTAINED.

Slaves escaping from Maryland and suing here for their freedom, will not be delivered up to the person claiming to be their owner, upon security to return them to Maryland; their claim for freedom having arisen here, and their witnesses residing here.

This was a suit for freedom [by negroes Simon and Lewis against Paine's administrator], docketed this term by an order of the court made ex parte.

Mr. Taylor, for defendant, moved the court to rescind the order, upon bond and security to take the negroes back to Maryland, from whence they escaped into this district, and gave themselves up to the magistrate, and prayed leave to sue in forma pauperis.

Mr. Mason, contra. Their right to freedom arose under the laws here.

THE COURT (THRUSTON, Circuit Judge, absent,) refused to rescind the order.

The cause was tried, and the jury found a verdict for the plaintiffs, upon the ground that they had been brought here by their master and kept here more than a year.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]