

Case No. 15,486. UNITED STATES v. JOHNSON.
[4 Cranch, C. C. 303.]¹

Circuit Court, District of Columbia.

March Term, 1833.

INDICTMENT—ASSISTING SLAVE TO RUN AWAY—SUFFICIENCY OF
AVERMENTS.

In an indictment under the Maryland law of 1796, c. 67, § 19, for assisting, by advice, the transporting of a slave, whereby his owner was deprived of the service of his slave, it is not necessary to state what the advice was, nor how it assisted; nor is it necessary to state a criminal intent, nor that the accused knew he was a slave and intended to run away.

The indictment, which was founded on the Maryland act of 1796, c. 67, § 19, charged that the defendant [Abraham Johnson] did, on the 19th of April, 1833, “assist the transporting of a certain slave named Joseph Dozier, the property of Lacy R. Miller, of Washington county aforesaid, from the said county and district, by advice, and by conveying said slave in a gig from said county and district to the city of Baltimore, in the state of Maryland, then and there, thereby depriving the said Lucy Miller, the owner of said slave, of the service of her said slave, against the form of the statute,” &c.

The jury having found the defendant guilty, his counsel, Mr. Jones, moved, in arrest of judgment: 1st. That the indictment is vague and uncertain in not stating what the advice was; nor the nature of it, by which the defendant assisted, &c, nor how the advice did assist. 2d. In not charging a criminal intent, nor that the defendant knew that Dozier was a slave, or intended to run away.

Mr. Key, contra. The indictment need not aver a knowledge or intent not mentioned in the description of the offence in the statute. *Rex v. Sainsbury*, 4 Term R. 457.

Mr. Jones, in reply. It is not sufficient to state the offence in the vague terms of the statute. The act must appear to have been unlawfully done. If the statute be taken literally, a man may be punished for giving a pass to his own slave. 1 Chit 231.

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But THE COURT (CRANCH, Chief Judge, doubting) overruled the motion, as well as the motion for a new trial, and fined the defendant \$50.

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