

Case No. 16,231. UNITED STATES v. SCHOLFIELD.
[1 Cranch, C. C. 255.]¹

Circuit Court, District of Columbia.

Nov. Term, 1805.

APPRENTICE.

A master cannot bring his apprentice from Maryland and hold him in Alexandria.

Indictment [against Andrew Scholfield] for false imprisonment of James Carter, a mulatto boy.

Mr. Swann, for defendant, moved the court to instruct the jury, that the evidence does not support the indictment. The evidence was that the boy (who was a free mulatto) was bound to the defendant, in Maryland. The defendant brought him into Alexandria. By the law of Maryland the indenture was void if he carried him out of that state. The defendant having brought him to Alexandria, sold his time to Hodgkins.

THE COURT refused to give the instruction.

Mr. Swann then moved the court to instruct them that the indictment could not be supported without proof of a sale by defendant to Hodgkins, that being charged in the indictment.

Refused, the offence of false imprisonment being sufficiently charged, and the sale only matter of aggravation.

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