

Case No. 17,240. WASHINGTON v. WILSON.
[2 Cranch, C. C. 153.]¹

Circuit Court, District of Columbia.

Nov. Term, 1818.

PERSONAL PROPERTY—TRANSFER OF LEGAL TITLE—LOSS OF SLAVE—ACTION
FOR DAMAGES—EVIDENCE.

1. A bill of sale of personal property is valid, between the parties, to transfer the legal title, although the possession and the beneficial interest remain with the vendor.
2. An action upon the case will lie for the loss of the plaintiff's slave, although the defendant wrongfully and unlawfully acquired and kept possession of the slave.
3. In an action upon the statute of Virginia (pages 192, 374) for carrying away the plaintiff's slave, evidence will not be permitted to be given that the slave had hired himself as a free man to another master of a vessel in a previous voyage.

WASHINGTON v. WILSON.

This was an action upon the case for the value of a slave of the plaintiff [Thomas L. Washington], carried away as a seaman by the defendant [William Wilson], and lost.

THE COURT (THRUSTON, Circuit Judge, absent) instructed the jury, in effect, that a bill of sale, under seal, from Sarah Washington to the plaintiff, transferred the legal title to the plaintiff, although the possession and beneficial interest were in Mrs. Washington, and that the plaintiff might recover in his name for her use.

THE COURT also refused to suffer evidence to be given that the slave hired himself as a free man to another master of a vessel in a previous voyage, the action being given by the act of Virginia (pages 192, 374), in the cases described in the act.

THE COURT also decided that the plaintiff could maintain this form of action (case) although the defendant had wrongfully and unlawfully acquired and kept possession of the slave without the permission or consent of the plaintiff.

Verdict for the plaintiff, \$400 damages; the slave being supposed to be worth \$800.

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