

TENNESSEE SUPREME COURT

State v. Watkins

23 Tenn. 256 (1843) · Decided December 15, 1843

SUMMARY

The Tennessee court considers whether an indictment alleging the forcible taking of an enslaved person from the field and possession of the owner sufficiently charged a breach of the peace. Relying on prior Tennessee and North Carolina decisions, the court holds that the indictment alleged only a trespass and lacked the required allegations concerning the owner's presence and actual possession, affirming the quashing of the indictment.

CASE DETAILS

COURT	Tennessee Supreme Court
WRITING FOR THE COURT	Turley, J.
JURISDICTION	Tennessee
DECIDED	December 15, 1843
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from the Circuit Court's order quashing an indictment against Watkins for forcibly taking and carrying away a slave.
STANDARD OF REVIEW	Review of the legal sufficiency of an indictment and the trial court's decision to quash it.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion
PARTIES	State v. Watkins

TOPICS

criminal procedure

PRACTICE AREAS

criminal procedure

QUESTIONS PRESENTED

1. Whether an indictment alleging that a defendant forcibly took a slave from a field and from the possession of the owner sufficiently alleged a breach of the peace and an indictable offense.
2. Whether the indictment was legally sufficient when it failed to allege that the taking occurred in the owner's presence and from the owner's actual possession.

HOLDINGS

1. An indictment alleging that the defendant forcibly took a slave from a field and from the owner's possession, without alleging facts constituting a breach of the peace, charges only a trespass and does not state an indictable offense.

KEY QUOTATIONS

"We therefore think the Circuit Judge committed no error in quashing it, and affirm the judgment." (258)

FACTUAL BACKGROUND

The indictment alleged that Watkins, with force and arms, took Allen from a field and from the possession of Allen's owner, Beverly B. Loon, and detained him. It did not allege that the taking occurred in the owner's presence or that it constituted a breach of the peace beyond the alleged forcible trespass.

PROCEDURAL HISTORY

A Williamson County grand jury returned an indictment charging Watkins with forcibly taking and detaining Allen, a slave belonging to Beverly B. Loon. The Circuit Judge quashed the indictment because it charged no indictable offense. The Tennessee Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Farnsworth, 10 Yerger 261
- State v. James R. Love, 2 Devereux & Battle's North Carolina Law Reports

OPINION

TURLEY, J.

Turley, J. delivered the opinion of the court. This is an indictment against the defendant in error for forcibly taking and carrying away out of the field and possession of one Beverly B. Loon, a negro slave, Allen, the property of said Loon.

The Circuit Judge quashed the bill of indictment upon the ground that no indictable offence was charged; and the question for our consideration is, whether the allegation that the negro was taken from the field and possession of his master is a legal allegation of a breach of the peace; and we

hold that it is not, upon the authority of the case of *The State vs. Farnsworth*, 10 Yerger, 261, and the case of *The State vs. James R. Love*, 2 Devereux & Battle's North Carolina Law Reports..

In the case of *The State vs. Farnsworth*, this court held that an indictment charging that the defendant, with force and arms, one chesnut sorrel mare, the property of John A. Park, did unlawfully and forcibly take from and out of the possession of the said John A. Park, was not good, because it contained no allegation of a breach of the peace, but merely a trespass.

We know no reason the principle should be differently applied to one species of property and another, a horse or a negro. In the case of *The State vs. James Love*, the Supreme Court of North Carolina held, that an indictment for forcible trespass to chattels, must charge the trespass to have been committed in the presence of the owner, and the taking to have been from his actual possession.

This the present bill of indictment does not. We therefore think the Circuit Judge committed no error in quashing it, and affirm the judgment.