

Case No. 1,286.

BEN V. SCOTT.

{1 Cranch, C. C. 350.}¹

Circuit Court, District of Columbia.

Oct. Term, 1806.

SLAVERY—PETITION FOR FREEDOM—SECURITY FOR WAGES.

Upon a petition for freedom the court will not require the defendant to give security for the wages of the petitioner during the litigation.

Ben had filed his petition for freedom, and a subpoena had issued to the defendant {Sabret Scott} to appear at next term, namely, December term, 1806. He now filed another petition, praying that the defendant may be summoned before the court to recognize not to carry the petitioner away, &c; whereupon THE COURT ordered a subpoena returnable immediately, to answer to this petition; which the defendant obeyed, and gave the recognizance.

Mr. F. S. Key, for the petitioner, contended that the defendant ought to recognize to pay such sum as the court should adjudge him to pay to the petitioner for his services from the time of exhibiting the petition until judgment, in case the judgment should be in favor of the petitioner.

But THE COURT refused; saying they had no jurisdiction in such a summary way to give damages, and they could not compel the defendant to assent to such a judgment.

{NOTE. For subsequent proceedings in this-litigation, see Cases Nos. 1,287 and 1,288.}

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