

REBECCA ET AL. V. PUMPHREY.

[2 Cranch, C. C. 514.]¹

Circuit Court, District of Columbia. Dec. Term, 1824.

SLAVERY—PETITION	FOR
FREEDOM—INJUNCTION—ATTEMPT	TO
REMOVE—HELD BY MARSHAL—COSTS.	

Upon a petition for freedom, suggesting an apprehension that the defendant will sell and remove the petitioners from the jurisdiction of the court, supported by affidavit, a judge of this court, in vacation, will order an injunction without security; and upon further affidavit that the defendant had attempted to carry the petitioners away after notice of the filing of their petition, the judge will order the marshal to take them into his custody for safe keeping until the defendant shall give the security required by law for their forthcoming to prosecute their petition; and if the defendant shall refuse to give such security, and if judgment shall be rendered against him, the marshal's fees for keeping them shall be taxed in the bill of costs against the defendant.

Petition for freedom. The petition stated that the said [negro] Rebecca and her three children, William, Ann, and Margaret, are entitled to their freedom, but are held in slavery and bondage by a certain Lloyd Pumphrey; she therefore prays for a subpoena to him, commanding him to appear and answer the petition. "She, also, having reason to apprehend a sale and removal immediately from the jurisdiction of your honorable court, prays a writ of injunction, enjoining and forbidding the said Lloyd and his agents from removing her and her children as aforesaid; hoping such other relief as may be meet in the premises; thus ever prays. Thomas Turner, Solicitor for Petitioners."

"District of Columbia, Alexandria county—ss.: On this 24th of November, 1824, personally appears before me, justice of peace in and for the county aforesaid, Thomas Turner, and makes oath on the holy

evangels of Almighty God that he believes that Lloyd Pumphrey meditates the sale and removal from the District of the within named petitioner and children, as stated in the petition. Sworn before me, Jacob Morgan. Let an injunction issue as prayed. B. Thruston. William Brent, Esq. Clerk, &c., &c., 25th November, 1824.”

Afterwards, upon an affidavit that the defendant had attempted to carry the petitioners away, after notice of their having filed their petition for freedom, the judge, upon the urgency of the case, directed the marshal to take them into custody. The defendant refused to give the security required by law for the forthcoming of the petitioners to prosecute their petition, and they were kept in prison until the trial, viz. from November 26, 1824, to January 8th, 1825, forty-four days, at an expense of thirty-four cents a day for each, and one dollar each for commitment and release; making \$63.84. Verdict for the petitioners.

THE COURT, on the motion of Mr. Turner, ordered this expense to be taxed in the bill of costs against the defendant.

Mr. Turner, for petitioners.

Mr. Marbury and R. S. Coxe, for defendant

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

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