

THOMAS v. SCOTT.

{2 Cranch, C. C. 2.}¹

Circuit Court, District of Columbia. June Term, 1810.

SLAVERY—DISCLAIMER—ATTACHMENT—PLEADING.

Upon a petition for freedom, the defendant may appear and disclaim, without entering into the usual recognizance.

Petition for freedom. The defendant {Alexander} Scott, offered to appear and disclaim all right of property in the petitioner {Walter Thomas, a negro}, at the time of service of the subpoena or any time since.

Mr. Law, for petitioner, objected that he must enter into a recognizance before he can appear, and prayed for an attachment for not obeying the summons. The act of assembly 1796, c. 43, § 5, authorizes the court to require such a recognizance. Mr. Law suggested that Mr. Scott, knowing that a petition was filed, sold and conveyed away the negro before service of the subpoena.

THE COURT said that a man may appear, to disclaim, without entering into the recognizance to have the negro forthcoming, and refused the attachment.

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