

THOMPSON v. CARBERY.

{2 Cranch, O. C. 39.}¹

Circuit Court, District of Columbia. Dec. Term, 1811.

NEW TRIAL—REPLEVIN—VERDICT FOR VALUE AND DAMAGES.

In replevin, if the title to the goods be in issue, the court will grant a new trial, if the jury give the defendant a verdict for the value of the goods, as well as damages for taking them.

This was a motion for a new trial in an action of replevin, for a female slave, in which there was a verdict for the defendant for 425 dollars damages.

F. S. Key, for plaintiff. The jury have given the value of the slave in damages; and as there will be judgment for a return of the property the defendant will get twice the value of the slave.

Mr. Jones, contra, said he had contended for vindictive damages; and the question is whether these damages are enormous.

THE COURT said it was evident that the jury had given their verdict under a mistake, having given the value of the negro as well as damages; and that as the defendant would have judgment for a return of the property, and a remedy upon the replevin-bond if it should not be returned, they would grant a new trial, unless the parties would agree upon a compromise. The defendant refused, and a new trial was granted upon payment of all the costs.

FITZHUGH, Circuit Judge, absent.

{See Case No. 13,915.}

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

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