

The citation for the case file is RG 21, Record Group 21, Records of the District Courts of the United States, Entry 6, Circuit Court for DC Case Papers Containing Appearances, Trials, Impanelments, Judgments, etc., 1801-63, June Term 1810, Civil Trial #207, Mima Queen and Louisa her child v. John Hepburn.

Anna Queen &
Child

John Hepburn } on the trial of this cause the Petitioners
Counsel for the purpose of proving that one Mary Queen
from whom the Petitioner is ~~supposed~~ ^{claims} to be descended in the
female line, was of free condition read in evidence to the
jury the depositions of sundry witnesses to wit, Richard Disney
Thomas Warfield, George Davis, & Caleb Black (here with
them) and the petitioners Counsel further offered evidence
to prove that the petitioner is kinally descended from the
said Mary, the ~~def~~ Petitioners by their Counsel then offered
to read in evidence to the jury the declarations of Mary
Queen, as stated and proved in the deposition of
Flanders Reiland ~~for the purpose~~ ^{as evidence of the} residence & condition
facts therein stated, and to prove the ~~facts~~ ^{residence & condition} of the
said Mary Queen ~~family~~, but the Court refused to
allow the said part of the said deposition to be read
in evidence to the jury — the defendt in this cause
having offered in evidence to the jury the depositions
of the following witnesses (here with
to prove that the said Mary Queen when she was
brought into this country was not of free condition
and he the even since till her death was held in
slavery to which opinion and refusal the
Petitioners by their Counsel prayed leave to except
and the Court to sign this Bill of exceptions
which is accordingly done this 28th day of June 1860
B. Houston

Mima Lucen & her Child

vs
John Heppburn

In the trial of this Cause and after the following Jurons were sworn James Reed was returned by the Marshall summoned as a Talesman & was called to the bar & thereupon the Deft. by his Counsel challenged the said Juron for cause on the following three heads of the panel sworn in the cause (herein sent their names) were thereupon sworn to try whether the said Juron Jas. Reed stood indifferent between the parties in this cause voluntarily. The said Juron Jas. Reed thereupon stated to the Court & the Triers that he had not heard the evidence in the cause nor made up nor expressed any opinion on the subject & that he should be guided by the evidence offered in the cause. Thereupon the Court asked the said Juron James Reed whether he stood indifferent between the said parties & whether his prejudices would prevent his so standing indifferent. ~~whether he had made up & expressed an opinion upon the subject~~, who answered that he had not heard the evidence nor made up an opinion.

And thereupon the Deft. Counsel ^{asked} ~~for~~ that this question might be put to the said James Reed - viz: whether his prejudices against Slavery were such as to in a doubtful case would induce him to find a verdict for the Petitioners answered that ^{and that he had declared in conversation on the subject of this suit that if the evidence was doubtful he would find a verdict for the Petitioners.} ~~that he would find a verdict for the Petitioners.~~ The Court then directed the said Triers that they must find that the said James Reed did not stand indifferent between the said parties - & what said proceedings & the opinion & direction of the said Court (the)

The Petitioner by her Counsel excepts &
prays the Court here to sign & seal
this her Bill of Exceptions which is
accordingly done this day of June 1844.

The Court then asked the said Reed whether if the Evidence should be
equal between the Petitioner & the Defendant, he should incline to
find a verdict for the Petitioner; to which he answered that he should
certainly in such an event feel himself bound to find a verdict
in favor of the Petitioner - Whereupon the Court instructed the said
Triers that if they believed such Confession & Evidence then they should
find that the said Reed did not stand indifferent between the
said parties and was not a competent Juror - to which ~~the~~
~~and~~ instructions of the Court the Petitioner by her Counsel excepts &
prays this her Bill of Exceptions to be signed, sealed & enrolled
which is accordingly done

M. Simpson Seal
B. Thurston Seal

James Reed

Anna Susan & Child
or
Stephan
No 4
Exceptions

Mama Queen & child
vs
John Hepburn.

In the trial of this
cause the Marshall
returned as a Juror.

Joseph Thomas &
upon the said Thomas's being called to
the book, the Petr's Counsel rose &
stated to the Court that the said person
was ~~not~~ ^{Alexandria within the District of Columbia} a resident of the County of
& that he would himself state that
fact to the Court. which he did & claimed to be
exempted from serving on the Jury. The Court thereupon
decided that the Juror's residence
being out of the County was no ^{Exemption} ~~objection~~
to ^{from serving} ~~being sworn~~ on the Jury - & ordered
the said Juror to be sworn -

Whereupon the
said Juror was ^{before any further objection was made} sworn ~~by the Court~~
Counsel called out "Challenge" to the said
Juror ~~but not till after he had taken~~
~~the book~~. The Petr's Counsel then
^{immediately} ~~prayed~~ ^{after the said Juror was sworn,} ~~prayed~~ ~~the Court~~ excepted to the opinion
~~before~~ given by the Court before the
said Juror was sworn, ^{with} that non-
residence in the County was no
legal ^{exemption} ~~objection~~ to the said Juror ~~being~~
^{from serving & being sworn on the Jury} ~~being sworn~~ to the order of the Court
directing the said Juror to be sworn -
& prayed the Court to sign & seal this
bill of exceptions. which are done accordingly.

Wm. M. Deal
B. Thurston

Mina Lucen & child
vs.
John Hepturn...

In the trial of this cause
The Pet^r by her Counsel
read in evidence to
the Jury the following
part of Caleb Clarke's

deposition (here insert ~~to~~ the place marked C.) &
the defendant by his Counsel objected to the reading
of any part of the said deposition which stated
what the said defendant's mother had
told him she was informed of by ~~her~~
~~her~~ ^{her} father Marsh Manner Sewall

And the Court sustained the
said objection & decided the same
to be inadmissible ~~to~~ evidence and
refused the same ~~to~~ be read in evidence
to the Jury - to which opinion & refusal
of the Court the ~~Def^t~~ Pet^r by her Counsel
excepts & prays this Bill of Exemption to be signed sealed
and enrolled which are accordingly done this ^{day of June 1870.}

W. H. H. (Seal)
B. H. H. (Seal)

Whereupon the ~~the~~ Depts counsel moved the court to direct
the jury as follows;
Instructions & opinions of the Court as
moved by the Depts.

1. That The Petitioners must be presumed
to be legally held in bondage untill competent proof
is produced of their being intitled to freedom; - and the
burthen of proving the same is on the Petitioners. (ad-
mitted by the Petitioner's counsel) -

2. That Mary Queen, the great grandmother
of the Petitioners, from whom they claim descent in the
lineal female line, if found by the jury to have been
of a yellow or tawney colour and to have been held &
treated as a slave from the time of her importation
& sale till her death, must be presumed to have been im-
ported as a slave, & to have been rightfully held &
treated as such, untill the contrary is proved by the
Petitioners. (admitted by the Petitioner's counsel)

3. If the jury find from the evidence ~~that~~ ^{there is}
evidence of such a report & noise in the neighborhood, respecting
the circumstances of the said Mary Queen's importation,
as is stated in Disney's deposition ^{produced & read as evidence on the part of the Petitioners} - was not stated from
the knowledge of the witness, - but from what had been
communicated to him, respecting the existence of such a
report & noise, many years after her importation, ^{without its appearing by whom or in what manner} then
the said evidence of the said Disney is ~~incompetent to prove~~ ^{incompetent to prove}
either the existence of such a report & noise, or the
truth of it; - And if the jury find from the evidence that the
declarations of Cooper John Jones, as stated in Warfield's
deposition, ^{also produced & read as evidence on the part of the Petitioners} were not derived from his (Jones's) own know-
ledge, but were founded upon hearsay or report, communicated
to him many years after the said importation & sale of the said Mary
Queen, ^{without its appearing by whom or in what manner such communication was made to} then his said declarations are not competent evidence
in this cause. ~~(created by the court & excepted to by Petitioners)~~
~~to be proceeded by the same~~ To which last instruction the
~~statement as the same was~~ Petitioners by their counsel excepted,
but the court created the same

of a yellow or lawney colour and to have been held & treated as a slave from the time of her importation & sale till her death, must be presumed to have been imported as a slave, & to have been rightfully held & treated as such, untill the contrary is proved by the Petitioners. (admitted by the Petitioner's counsel)

3d. If the Jury find from the evidence ~~that~~ ^{none} evidence of such a report & noise in the neighborhood, respecting the circumstances of the said Mary Queen's importation, as is stated in Disney's deposition ^{produced & read as evidence on the part of the Petitioners} - was not stated from the knowledge of the witness, - but from what had been communicated to him, respecting the existence of such a report & noise, ^{without its appearing by whom or in what manner} many years after her importation, ^{then} the said evidence of the said Disney is ~~incompetent~~ ^{incompetent to prove} either the existence of such a report & noise, or the truth of it; - And if the Jury find from the evidence that the declarations of Capt John Sims, as stated in Warfield's deposition, ^{also produced & read as evidence by the party of the Petitioners} were not derived from his (Sims's) own knowledge, but were founded upon hearsay or report, communicated to him many years after the said importation & sale of the said Mary Queen, ^{without its appearing by whom or in what manner such communication was made to him} then his said declarations are not competent evidence in this cause. ~~(granted by the Court & excepted to by Petitioners)~~ To which last instruction the Petitioners by their counsel excepted, but the Court created the same.

To which last instruction so ~~given~~ by the Court
to the jury, the ~~jury~~ Petrus by their counsel
except and pray that their bill of
exceptions be sealed &c. and it is done
accordingly

W. Fitzmugh Seal
B. Thurlton

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Mina Queen &
Louisa her child
John Hepburn.

In the trial of this Cause the Counsel
for the Defendants having without
objection offered and read to the Jury
the whole deposition of Benja Duane

(here insert it) particularly that part of said deposition
which contains the declarations of the woman who is re-
presented to be the Mother of Fanny Cooper & living at

James Carrolls, and who is called therein by the Dependent
and from whom the Petitioners claim descent in the female
line claiming her to be the great Grand-mother of the Petitioner ~~Alfred~~
the papaw Queen - the Petitioners Counsel thereupon

offered to read that part of Fredericks Rylands deposition
which contained declarations of the ^{mulatto} Woman mentioned
in that deposition of her ^{own} place of birth and residence
of the said Woman, But the Court refused to allow
the said part of the said deposition to be read in Evidence
to the Jury, to which opinion and refusal the Petitioners
by their Counsel, except, and pray the Court to sign
seal this their Bill of exceptions, which is accordingly
done this 26th day of June 1810.

M. Fittsburgh (Seal)

B. Thurston (Seal)

to have been a free woman, - and upon that ground
claiming their freedom in this cause, and the Deft
having read the following Depositions (here insert
them to prove that the said woman was a slave.)

Alma Queen &
her child

v.

Ida Hepburn } on the trial of this cause after
all the evidence on both ~~sides~~ sides had been
disclosed to the jury and after the arguments of
on each side was closed and when the ~~the~~ jury
from in said cause was about to ~~leave~~ retire
to their room to consider of their verdict, the
Court, ^{at the motion of the defendant} ~~suffered~~ and ~~permitted~~ the jury to take
with them from the bar of the Court of records
to their said room (the following ^{written} papers have
inserted therein) the Petitioner by her Counsel at the
same time objecting thereto, - the said paper consisted
of certain opinions & instructions drawn up & proposed to the court,
~~to be read~~ the Petitioner by their Counsel prayed
have to except ^{to the jury's taking with them to their room the said} ~~papers~~ and the Court here to sign and
file this Bill of Exceptions which is accordingly
done this 28th day of June 1810.

M. Simmons (Seal)
B. Thurston (Seal)

X and the two ^{having been} ~~first~~ admitted by the Petitioner's counsel,
and the third objected to by them, the court delivered the
said ^{3^d proposed} ~~from~~ the said paper to the jury as the opinion
to which opinions & Exceptions the Petitioner's Counsel had excepted ^{the Court had signed the Bill of Exceptions} and upon closing the evidence
& instructions of the court, - and before the arguments of counsel
of evidence on both sides, and before the arguments of counsel
had commenced, - the said opinions & instructions, in the words
& form aforesaid had been read from the said paper to the
jury, - and ^{in the arguments before the jury} ~~consequently~~ the same had been commented on by the
counsel on both sides; -

~~produced in evidence the deposition of George Davis~~
and the Petitioner, offered to read that part of
George Davis's deposition, which is in these words,
"and said ^{that} ~~that~~ ^{lad}, pointing at ~~at~~ Ned, ought to be
free for his grand mother was a free woman", ~~exit~~.
+ They then words conjoined in that passage, viz.
"ought to be free for", so as to make it read as
follows viz. "and said that that lad, pointing
at Ned, his grand mother was a free woman". -
and the Deft's counsel objected to reading the
above mentioned passage of the said deposition, or any
part of it; - and the court allowed the Pet'r to
read ~~of the whole~~ of the said passage under the
limitations & instructions above expressed; - In
which the Deft excepts & prays this
his bill of exceptions to be sealed &
rolled which is done accordingly. -

H. Branch (seal)
M. S. M. (seal)
B. Thurston (seal)

Mina Queen &
Louisa her Child

¹⁴
John Hepburn

Defendant, Captain

June 27th Anno 1810.

The Petitioner offered in evidence to the jury
and proceeded to read ~~the same~~ the deposition
of George Davis, in the words & figures following;
(Here insert it) which deposition was
agreed by the parties to be received as evidence
reserving all objections to the admissibility
& competency of the matter of it; -

This bond & sureties are approved
H. Branch.
June 29th 1810.

Pond

District of Columbia to wit

The United States of America to the Marshal of
the District of Columbia - greeting -

You are hereby commanded to summon John
Hephurn late of the County of Washington, if
he shall be found in the County of Washington,

that all excuses and delays set aside, he ~~be~~
and appear before the Court here immediately, to answer
the Petition for freedom of Mina Queen and Louisa her
child in this Court exhibited against him. Hereof fail
not at your peril - and hence you then and there this
Writ. Witness the Hon. Wm Cranch Chief
Judge of our said Court, this 8th day of Jan'y 1820.

Wm Brent Ellis

Issued the 8th day of Jan'y 1820.

F. S. Key

~~270~~ 207.

Maria Quenn P
Lunisa herchild

⁴ John Hepburn } Lapa

Peta for freedom

Sund. 7th March

W Boyd Marshall

notice given 26 April

out

To the Honble the Judges of the Circuit Court of the
District of Columbia for Washington County

The Petitioner of Minor or Mina ^{Louisa her child} Queen of
Washington County humbly sheweth that your petitioners
& her said child are entitled to their freedom & are unjustly
held in bondage by a certain John Hepburn — of Washington
County as slaves — wherefore she prays your honors to
grant her relief in the premises & as she apprehends
that she may be removed out of the Jurisdiction
of this Court before the next term thereof, she
prays that subpoena may issue to the said
John Hepburn to appear immediately. —

J. W. Key for Petr —

~~270~~ 207.
H. L. L. L. L.
a child.

no
H. L. L. L. L.

W. B. L. L.
H. L. L. L.
issue stop as
trayed.

H. L. L. L.

H. L. L. L. L. L. L.

District of Columbia Washington County, D.C.

To John Hebburn of said County: you are hereby cited and
admonished to be and appear at a Supreme Court of the
United States to be holden at the City of Washington ~~on~~
the first Monday of August next pursuant to a writ or
error filed in the Clerk's office of the Circuit Court of the
District of Columbia for the County of Washington, wherein
Mira Lucen & Maria Hutchins ~~were~~ ^{in case} Petitioners and appellants
and you are Defendant, to show cause why the
judgment rendered against the said Petitioners should
not be reversed, why the errors complained of should not
be corrected, why speedy justice should not be done
to the parties in that behalf. Witness the Honorable
William Cranch Chief ~~Justice~~ ^{Justice} of ~~said~~ ^{the} Circuit Court
of the District of Columbia this twenty ninth day
of June in the year of our Lord one thousand
eight hundred & ten.

attested to Cranch

District of Columbia Washington County, D.C.

personally appeared before me one of the Justices of the Peace for
Washington County of ^{Elihu S. Spalding} ~~D.C.~~ ^{the House of said Rep. County} ~~D.C.~~
day of this month of June, he delivered to John Hebburn a
true copy of the above citation. Given before me this
29th day of June A.D. 1870.

Saml N. Smallwood

+ and the Pet^{rs} said Counsel further offered to read
the whole sentence aforesaid, ^{in the said Davis's deposition} for the purpose
of showing to whom the latter word's "his Grand-
-mother was a free woman" applied. - but
not for the purpose of ^{making} the said Lee's declar-
-ation that he "ought to be free" evidence
in the cause. - and the Pet^{rs} said Counsel in
re-reading the said sentence admitted, & ^{& so also the Court said} stated that
the only part of it they read & considered as
evidence was the said assertion of said Lee
of the fact of the said boy Ned's Grand-
-mother being a free woman. -

Mr. Cumick } Dir. of Land, Wood,
Septenger } does he is not
worthy for indifferent.

Open

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Septenger

Memo of salary.