

Case No. 37538**

State of New Jersey v. John A. Post
Habeas Corpus (to produce a colored man named William, aged about 60 years;
Enslaved by John A. Post)
Passaic : 1845

New Jersey State Archives
Supreme Court of New Jersey
Case Files, 1704 - 1844 (SSV00001)

11/14/2022

37538** The State v. Post

Passic

Habeas Corpus (in Manumission)

Supreme Court
State vs John A. Post
Habeas Corpus
"By the Statute"
C. B. Palmer
att'y

Allocatur
James A. Minier, Jr.
Sup Court, Apr. 25/45

For 60 miles, or \$7.00

Supreme Court
The State vs John A. Post
In matter of
Habeas Corpus
C. B. Palmer Prosecutor

Filed 15 May 1845
J. Wilson Clk

Copy of Petition
Served on J. H. B.
Post 5th May
1845

Filed 15 May 1845
J. Wilson Clk

State New Jersey To Wth The State of New Jersey
to John A. Post, Grievant:—

E. B.
C. B.

We command you that
you have the body of a
coloured Man, called

William, now in your Custody
by whatever name he may be called
together with the day and Cause of
his capture & detention, before the
Justices of Our Supreme Court of
Judicature, on ^{the second Tuesday} the Second Tuesday
of May next at Ten O'Clock in the
forenoon of that day, there to do, submit
to, & receive all & singularly those things
that Our said Supreme Court
may award in this behalf, & have you
then there this Week

Witness Jos. C. Hornblower Es-
quire, Chief Justice of Our said Supreme
Court of said, the last Tuesday
of February, Eighteen Hundred
forty five

Wilson, Clerk

C. B. Palmer, Attorney

New Jersey, Muen Cos. C. B. Palmer, Maketh oath
that that on 5th May, A.D. 1845, he served on
John A. Post, above named, the writ of Habeas
Corpus, of which the above is a true Copy, & the
indorsement, on the above Copy, a true Copy
of the indorsement on said writ. And further
this deponent saith that he tendered to the said
Post, at the time of service of the writ of said
the amount indorsed on said writ Seven ²⁰ two
dollars, & that the amount of the petition is a true
Copy of the Petition & affidavit served at the
time of the service of the aforesaid writ on the
said Post

C. B. Palmer

Subscribed before me
this 10th May 1845

J. J. H. H. H.

Dan ourable James J. H. H. H.

Second subscribed before me
this 10th May 1845

C. B. Palmer

J. J. Mann

Honourable James I. Nevins, Justice
of the Supreme Court of New Jersey
The undersigned, An Attorney of the
said Court, respectfully sheweth to your
Honour, that in his opinion a coloured
man, usually known by the name
of William, & at this time held as a slave
for some property, & in John A. Park
of Acquackanonk, Papain County, New Jersey
is thus held & restrained, & deprived of his
liberty, by said Park, Contrary to the present
Constitution & laws of this State; The undersigned
believing Slavery in New Jersey totally abolished
by the Adoption of said Constitution.

The undersigned therefore prays, that the
writ of Habeas Corpus may issue, directed
to said John A. Park & bring up the body
of the said coloured man William,
by whatever name he may be held,
before the Supreme Court of said State
next term, to be held in the City of
Burlington, on the Second Tuesday of next
Jan. A. M. of that day to be dealt with
as the law directs. C. B. Palmer
New Jersey, Esq. Attest
James D. Woodhull being duly sworn
saith upon his oath that he has made
acquainted with the foregoing petition, and
from the best of his knowledge, information &
belief, they are true (Signed) J. D. Woodhull
Newark April 26, 1845
Subscribed before me
Fredk. J. Finkley
Minister in Charge.

N. J. Supreme Court
State } Writ
John A. Post } Habeas
" " } Corpus.

& the Return to
Said Writ.

Demurrer to the
Return, & Joinder
in Demurrer.
annexed.

C. B. Palmer pe-
titioner.

New Jersey Sup Ct
John A. Post }
ad } on
The State } Hab.
Corpus
Joinder in Dem.

Paid

Supreme Court

State . . . & Judicia
C. B. . . & Copies
John H. Post

"By the Statute"
C. B. Palmer, Att.

Allocatur \$7.00

J. Wilson & Co.
Law. S. C.

Refused 20. 1845

Returned filed

22 May 1845

J. Wilson & Co.

1845 July 7 - Demurrer
overruled - draft for Post
72 28 -

State of Maryland to wit: The State of New York
to John A. Bell, Esq. Greeting: —

We command you that you
have the body of the coloured man
called William now in your custody
by what some name he may be cali-
ed, together with the day and count

of his capture, and detention, before the Justice of
Our Supreme Court of Judicature to be holden at
the City of Trenton on the second Tuesday of May,
next, at ten o'clock, in the forenoon of that day,
there to do, submit to and receive all and sin-
gularly those things that Our said Supreme ^{Court}
may award in this behalf: And have you there
this ~~last~~ Monday, 20th C. D. D. 1840,
Esquire, Chief Justice of Our said Supreme Court
at Trenton of or said the last Tuesday of
February, in the Year of Our Lord, Eighteen
Hundred & forty years
C. B. Palmer Attorney Nelson, Clerk

New Jersey Sup. Court

The State } Hab
vs John A. Poth } Corp^s
for a

Costs man William

& Deposits return

I hereby return this writ and I
declare that I am the owner of the
col^d man William aged about sixty
years and also a col^d woman named
Flora aged about forty five, wife of said
William whom I hold as my Slaves by
virtue of a bill of Sale bearing date the
28th day of July 1835 - under the Laws of New
Jersey, regulating Slavery

John A. Post

Meues County -

John A. Post being
duly sworn says the annexed return
of the writ of Habeas Corpus in the
case of the alleged Slave William
is true according to the best of his
knowledge and belief -

Sworn before me
the 20th May 1845
at Trenton

John A. Post

Dr. C. C. Tomblow
In Test.

New Jersey Sup Court
The State

^r John A. Post } on
Habeas
Corpus

Demure to
Return of
Seizure

In Supreme Court. May Term
1845

The State of New Jersey
vs John A. Post } Habeas Cor-
pus.

The State of New Jersey by her
Attorney General Abraham
Browning comes & defends the
wrong & injury whereof, & saith
that the said return made by
the said John A. Post to the
writ of Habeas Corpus directed
to him commanding him to have
William a colored man, before
this Court & the Cause of his
detention; & the said State by
its Attorney General says that
the matters therein contained, in
manner & form as the same are
set forth, & above stated are
not sufficient in law, for the
said detention of the said William
by the said John A. Post; For the
State of New Jersey by her attorney
aforesaid saith that the Institu-
tion ^{of slavery} is abolished, in this State, &
that in the said John A. Post hath not
right to detain as his Slave, the
said William, a colored man as aforesaid;
& this the said State by
its attorney general is ready to
verify, wherefore for want of a
sufficient return to said writ
the said State by her attorney General

prays a judgement that the
Said John A. Post may be
banned from having or main-
taining any authority or con-
trol over the said William
a Colonel man.

Abraham Browning
Atty General -
C. B. Palmer pe-
titioner.

New Jersey Sup Court
The State } On
v } Habeas
John A. Ford } Corpse

Demurres to
Return of
Separate

New Jersey Sup Ch
John A. Poth }
ad } on
The State } Hab.
Corpus
Insider in Dew.

Supreme Court
May Term, 1845
John A. Post
adms. }
State of New Jersey } Hakea Corpus

And the said John A. Post, ~~of the County of Hudson~~
~~in his proper person~~ ^{as the same are therein set forth & returned} saith that the return
of him made to the said writ of Habeas
Corpus of on said & the matter therein
contained in manner ~~as the same are therein set forth & returned~~ ^{as the same are therein set forth & returned} are
sufficient in law to authorize the said
John A. Post to hold the said colored
man, William, as his slave & property -
during the natural life of the said colored
~~man~~ William, & that the institution of
slavery is not abolished in the State
of New Jersey. Whereupon the said John A.
Post says judgment in the premises
according to law and right & the constitution
and statutes of New Jersey -

~~Joseph P. Bradley~~
~~By the Court~~
John A. Post -
for J. P. Bradley

SSV00002

Supreme Court of New Jersey

Minutes, 1704-1873

Rough Draft Book 86 February 1845 – November 1846

May Term, 1845, pp. 32-33

Entry related to Case No. 37538*

State of New Jersey v. John A. Post

Habeas Corpus (to produce a colored man named William)
Passaic County; 1845

have leave to take affidavits to be
 used in the argument of this case
 on motion of George H Brown
 Atty for Ebenezer H Sherwood
 One of the landholders in the
 route of said road

The State of New Jersey } On Habeas Corpus to bring
 D. v. } up the body of a colored
 John A. Post } man called William

On reading and filing the affidavit of
 Goddington B. Palmer by which it appears that
 the fifth day of May A.D. 1845 he the said Palmer
 served on John A. Post of the county of Passaic
 a writ of Habeas Corpus duly allowed by ~~James S. Morris~~
~~James S. Morris~~ The Honorable James S. Morris one of
 the Justices of this Court, and to the said John A.
 Post directed, commanding the said John A.
 Post to bring the body of a colored man name
 William in the custody of the said John A. Post
 with the cause of his capture and detention, by
 whatever name the said colored man
 might be known, before the Justices of the Su-
 preme Court of New Jersey, on the second Tues-
 day of May A.D. 1845, and tendered unto the
 said John A. Post the fees marked on said
 writ of Habeas Corpus, and left with the
 said John A. Post the said original writ,
 which said writ it further appears the said
 John A. Post has utterly failed to obey or
 make return thereto. It is thereupon ordered
 by the Court that the said John A. Post do
 show cause before the Justices of the Supreme
 Court of New Jersey, at Trenton, on the third
 Tuesday of May A.D. 1845 at ten o'clock
 in the forenoon, why an attachment should
 not issue against him for contempt in not
 obeying the command of the said writ of

Habeas Corpus- In motion of Atm. Brown-
ing Atty General (Goddington B. Palmer
Prosecutor - Prose) -

The State of New Jersey

Pol. D. v.

Edward Van Beuren

In reading and filing the affidavit
of Goddington B. Palmer, and papers thereto an-
nexed, It is ordered on motion of Goddington B.
Palmer, an attorney of this Court, and Prosecu-
tor in this cause, that a writ of Habeas Cor-
pus be and the same is hereby allowed
directed to Edward Van Beuren of the county
of Bergen, commanding him to bring the
body of Mary **Tiebout**, a colored girl, by
whatsoever name she may be known, before
the Justices of this court at Ten o'clock in
the forenoon of the Third Tuesday of May
A.D. 1845, with the cause of her detention.

William Kelly

✓ D. v.

David Coriell

On certiorari &c.

The certiorari in this cause being duly
returned to the present Term, It is ordered that
the parties have to ^{take} affidavits to be read
upon the argument of this cause.

On mo. of L. B. Chetwood Atty of Pltff. in
certiorari

Thursday Evening Ct adj^d

Friday 16 May Ct. opened -