

Ex Parte Wilson

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Court : US Supreme Court

Decided On : 1810

Appeal No. : 10 U.S. 52

Appellant : Ex Parte Wilson

Judgement :

Ex Parte Wilson - 10 U.S. 52 (1810)

U.S. Supreme Court Ex Parte Wilson, 10 U.S. 6 Cranch 52 52 (1810)

Ex Parte Wilson

10 U.S. (6 Cranch) 52

ON PETITION FOR HABEAS

CORPUS AND CERTIORARI

SYLLABUS

The Court refused to award a habeas corpus in a case where the petitioner was in confinement under a *capias ad satisfaciendum* and the creditors had refused to pay the daily allowance according to the provisions of the act of Congress.

Wilson petitioned the court for a writ of habeas corpus and a certiorari to bring up the record of a civil cause in which judgment had been rendered against him, upon which a *ca. sa.* had issued, by which he was taken and was now in confinement within the prisons bounds upon a prison bounds bond. His petition stated that the marshal had demanded of the creditor the daily allowance for the prisoner agreeably to the act of Congress, concerning insolvent debtors within the District of Columbia, Laws U.S. vol. 6, p. 301. § 15, which the creditor had refused to pay, in consequence of which the marshal had no longer any authority to detain him.

The act of Congress provides that the Circuit Court of the District of Columbia shall, by a general order, fix the daily allowance for the support of prisoners in execution for debt in civil suits, and that

"No person taken in execution for debt or damages in a civil suit shall be detained in prison therefor unless the creditor, his agent or attorney, shall, after demand thereof by the marshal, pay or give such security as he may require to pay such daily allowance and the prison fees."

The marshal refused to discharge the petitioner, and his counsel, E. J. Lee, now moved for a habeas corpus.

MR. CHIEF JUSTICE MARSHALL, after consultation with the other judges, stated that the Court was not satisfied

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that a habeas corpus is the proper remedy in a case of arrest under a civil process.

Habeas corpus refused.