

Books and Manuscripts (1706)

May 20, 2021 EST, Freeman's

Lot 1

Estimate: \$2000 - \$3000 (plus Buyer's Premium)

[African-Americana] Documents Relating to a Court Case Involving an Enslaved Family's Escape to the North

Manuscript Document

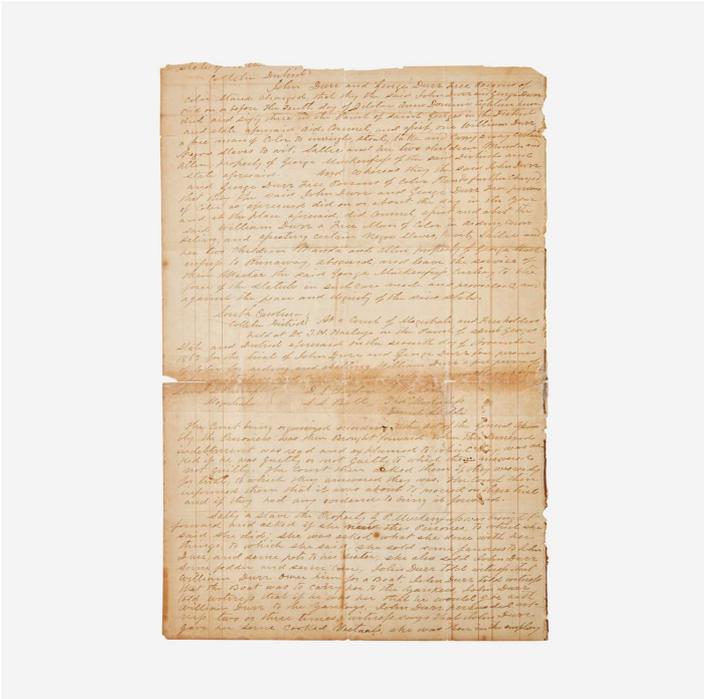
Colleton District, South Carolina, October 10, 1863-July 25, 1864. 1 pp., 16 1/4 x 10 3/4 in. (413 x 273 mm). MS. clerical copy of the court proceedings of the State of South Carolina v. "John Durr and George Durr free persons of color", charged with aiding another free person of color, William Durr, who assisted an enslaved woman, Sally, and her two children, Manda and Allen, in their escape to the North from the enslavement of George Muckinfuss. The document outlines the charges against them, as well as contains witness testimony and verdicts. Presumably removed from a court ledger; scattered chipping; loss at top affecting a few words; sello tape repair along center.

Together with:

Manuscript Letter of Appeal

Colleton District, South Carolina, August 31, 1864. One page folded to make four pages; 13 1/4 x 8 3/4 in. (336 x 222 mm). Letter of appeal, written in a secretarial hand, and signed by planter E.B. Scott on behalf of prisoner John Durr, urging South Carolina Governor, M.L. Bonham, to commute his sentence. Scott cites insufficient evidence produced by the State, as well as Durr's unconscionable sentence of 600 lashes plus three years in solitary confinement, calling it "cruel and unusual" and "not justified by the spirit of the Law..." Affixed is a note, also in a secretarial hand, and signed by juror Thomas Muckinfuss (relative of slaveholder George). Written on behalf of Durr to Governor Bonham, stating that the prosecution's witness in the trial was coerced to testify against Durr under fear of punishment, and that the testimony is, in his opinion, "insufficient to command a verdict of guilt"; dated September 12, 1864.

A rare group of documents created in a successful effort to commute the sentence of a free black man incarcerated for aiding an enslaved family's escape to the North. John and George Durr, free persons of color, stood accused of aiding free person of color William Durr in his involvement helping an enslaved family escape by boat to the North. The prosecution's case rested solely on the testimony of the enslaved mother, and while George Durr was found not guilty of the charges, John was found guilty. He was sentenced to "be taken to Walterboro jail, and there kept in solitary confinement for three years, and to receive fifty stripes on the bare back, this day, and to receive fifty stripes on the bare back on the first Monday in February, then to receive fifty stripes at the Expiration of every Three Months until the term of his imprisonment ends." An unfathomably cruel punishment of 600 lashes in total. John served 10 months of his sentence, receiving 200 lashes, before the prosecution's case fell apart after it was revealed that their sole witness was coerced by fear of violence into testifying against him. His sentence was eventually commuted by South Carolina



Governor M.L. Bonham.