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HENDERSON VS. NEGRO TOM.

[NO NUMBER IN ORIGINAL]

COURT OF APPEALS OF MARYLAND

4 H. & J. 282; 1817 Md. LEXIS 18

June, 1817, Decided

PRIOR HISTORY: [**1] APPEAL from Harford County Court. A petition for freedom was filed by the appellee against the appellant. This cause, upon the assent of the parties, being brought before the court, for hearing and trial by the court, the petitioner proved that he was imported from the state of New-York into Harford county in this state, in the year 1792 or 1793. The defendant then proved to the court, that Abraham Cole, a citizen and resident of the state of New-York, removed from that state into Harford county, in the beginning of the year 1793, and brought with him from New-York into Harford county, sundry negro slaves, of which the petitioner Tom is one; that he continued to reside in Harford county from the time of his coming aforesaid, for about 15 years; that the defendant, then and ever since a resident of said county, having intermarried with the daughter of said Cole, received from him the petitioner as a part of the portion of his wife, and has so held him ever since; that the petitioner was born in the state of New-York, in the family of said Cole, to whom the petitioner and his mother belonged as slaves, and has lived with him in New-York from the time of his birth; that at the time [**2] said Cole brought said negro into Harford county, there was no naval officer in said county, but a naval officer at the city of Baltimore; that one Thomas Taylor was collector of the tax at the time of the bringing said negro into said county; that in some short time after said negroes were so brought into said county, a conversation did take place about said petitioner, and the other negroes so brought into Harford county, the particulars or design

of that conversation was not known to the witness; that in March 1793 the petitioner, and other negroes so brought into Harford county, were entered on the books of the county assessments of said county, as the slaves of said Cole, and taxed to him, and have been so taxed ever since. That the said Taylor has long since left Harford county, and whether he is still living or dead is uncertain, and if living his residence unknown; and it is unknown where are, or what has become of papers in his possession, if in being. The County Court gave judgment upon the preceding statement that the petitioner was entitled to his freedom, and that he be discharged from servitude, &c. From which judgment the defendant appealed to this court.

DISPOSITION: AFFIRMED. [**3]

HEADNOTES

Where a slave had been imported into this state in 1792 by his owner, who had not complied with the provisions of the act of April 1783, *ch. 23*, by causing a registry, &c. to be made of such slave--*Held*, that the slave was entitled to freedom.

COUNSEL: Kell, for the Appellant, referred to the act of April 1783, *ch. 23*, s. 1, and *Scott vs. Negro Ben*, 6 Cranch 1.

Winder, for the Appellee.

JUDGES: The cause was argued before CHASE, Ch. J. and BUCHANAN, EARLE, JOHNSON, and MARTIN, J.

OPINION

[*283] JUDGMENT AFFIRMED.