



Samuel Haney
vs } Transcript
Thomas Waddle

Filed 3 July 1811.

May 1815

Reveried

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15 pgs.

And the said Thomas Waddle comes into Court here by his Attorney
aforesaid - Whereupon the Sheriff of the County aforesaid to wit
William Merryman Gentleman to whom the said summons was
directed makes return thereof to the Court here thus endorsed to wit

Sums. Wm Merryman Sheriff
And the said Samuel Hanev and Robert Long being called appear
in Court here by William H. Hinder and Theodorick Bland their
Attornes. And the said Robert Long by his said Attornes disclaims
all right property and interest in the said Thomas Waddle the

Petitioner aforesaid. And the said Samuel Hanev by his said Attornes
says that the said Thomas Waddle is a Slave - And the said
Thomas Waddle by his Attorney aforesaid says that he is free of
which the said parties put themselves upon the County
Whereupon for trying the issue aforesaid between the parties
aforesaid It is ordered by the Court here that a Jury be immediately
empannelled. And the said Jury being so empannelled and called
come to wit Daniel Cowe Peter Duffenderfer George Parker
John Fitz Nicholas Hansbury Abraham Rice John Cunningham
Adam Dinnead George Mills Jonathan Manro Richard Rogers

and Daniel Houlan who being sworn to say the truth in the
premises on their Oath do say that the said Thomas Waddle is
free as he hath alleged - Therefore It is considered by the
Court here that the said Thomas Waddle the petitioner -
aforesaid recover his freedom of and against the said Samuel
Hanev and that he be free and discharged of and from the
service of the said Samuel Hanev and that the said Thomas
Waddle go thereof freed and discharged without day &c

It is also Considered by the Court here that the
said Thomas Waddle recover against the said Samuel Hanev
the sum of fifteen Dollars by the Court here unto the said
Thomas Waddle as judged on his Oment for his Costs and charges
by him about the prosecution of his petition aforesaid laid out
and expended and that he have thereof his Execution &c
Memorandum - Before the Jurors aforesaid withdrew from
the Bar of the Court here the said Samuel Hanev by his
Attornes aforesaid tendered to the Court here a Bill of
Exceptions which was by the Court here signed and sealed
and which is in form following to wit

Thomas Waddle } Petition for freedom in Baltimore County Court.

vs
Samuel Haynie } The petitioner to support the issue on his part produced Joseph Doxy a witness who proved to the Jury that John Haynie the brother of the Defendant wrote a letter to him from St Marys County in the State of Maryland where he resided by the Petitioner which said Petitioner was then living in Virginia where he was born and raised who delivered the same to said Doxy in the City of Baltimore where he resided sometime in the month of February 1810. and

shortly after the said letter was written and that he would keep the petitioner until he John Haynie or his Brother Samuel Haynie should arrive in Baltimore & also stated in said letter that the petitioner was the property of his said Brother who was under age & that he was the guardian of his said Brother that according to said Doxy did keep the said Petitioner in his service from that time for about two months and an half when the said Samuel the Defendant arrived in Baltimore from St Marys County where he was bound in 1803 by his Father for seven years to learn the business of a pilot & where he then lived. That said Samuel did then call on said Doxy & received the hire for the time the petitioner had been with said Doxy. That said Samuel left said

petitioner with Robert Long his Brother in Law who resided in Baltimore & who some short time afterwards hired the said Petitioner to Joseph Nevitt the Captain and owner of the Alexandria Packet which sailed between Alexandria and Baltimore that the said packet was licensed at the port of Alexandria & the said Captain and owner resided and lived in Alexandria. That sometime after the said Petitioner was so hired to the said Nevitt he met with said Samuel Haynie at Baltimore who agreed that he Nevitt might keep said Petitioner in his hire & service until the 17th Decr 1810 longer if he choose, that in consequence thereof he the said Nevitt did keep said Petitioner in his service until the said seventeenth day of December 1810 when being with him in his packet at Baltimore he deserted to run away from him & shortly after filed this

petition for his freedom. The Petitioner further proved that said Petitioner was born and raised in the State of Virginia & was brought into Maryland from the State of Virginia in the manner herein before stated. The Defendant to support the issue on his part produced witnesses and proved to the Jury that the said Petitioner was born the slave of the said Defendants Father & was given to the Defendant by his said Father who always has resided and still resides in the State of Virginia that the Defendant arrived at the age of twenty one year on the

13th Dec 1810 at which time his apprenticeship expired: & he has since followed his business as a pilot in the waters of the Chesapeake Bay & is sometimes at Norfolk sometimes at Alexandria sometimes at Sth Marys sometimes at Baltimore just as his business calls him, is an unmarried man, & has no fixed place of residence - The Defendant then prayed the Court to direct the Jury that if they believe the foregoing testimony then the Petitioner is not entitled to recover - But the Court were of opinion and did so direct the Jury that if they believed that the Petitioner was born and raised in the state of Virginia and continued to reside therein until the month of February 1810 that he was then sent by Samuel Haynes the owner and Defendant or with his consent and approbation to Baltimore to be hired, that he was so hired and resided in Baltimore and that Haynes himself was not a resident of the State of Maryland and did not move into this state for the purpose of residing here that the circumstance of Samuel Haynes being under the age of twenty one years could not operate against the Petitioner

That a minor has no other authority to import slaves into the State of Maryland than an adult and that neither the one nor the other has such authority except in the special cases provided for in the several acts of Assembly of this state none of which embrace this case - The Court therefore refused the prayer of The Defendants Counsel and the Defendant by his counsel prayed leave to except and that the Court would sign and seal this his Bill of exceptions which is accordingly done this 8th day of May 1811.

Joseph A Nicholson Seal

And Thereupon the aforesaid Samuel Haynes by his Attornies - aforesaid prays an appeal from the Judgment aforesaid so as - aforesaid rendered to the Court of Appeals and the same is granted - It is therefore ordered by the Court here that the record and proceedings in the plea aforesaid with all things - thereunto relating be transmitted to the said Court of Appeals and the same are transmitted to the said Court accordingly.

Wm Gibson Clerk

In Testimony that the foregoing is a true copy taken from the record of the proceedings of Baltimore County Court in the a'or mentioned cause.

I have hereunto subscribed my name and affixed the Seal of Baltimore County Court this eighteenth day of May in the year of our Lord one thousand eight hundred and eleven.

William Gibson Clerk of
Baltimore County Court

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