

And thereupon the said David Fulton by his attorney aforesaid, prays that he may appeal from the Judgment aforesaid of the Court here, so as aforesaid rendered, to the high Court of Appeals, and to have the same granted by the Court here, thereupon it is ordered by the Court here, that a record of the proceedings aforesaid, with all things thereunto relating be transmitted to the high Court of Appeals of the State of Maryland, to be held at the City of Annapolis on the last Monday of May next for the Western Shore of the said State of Maryland; and they are transmitted accordingly. Memorandum, Judgment rendered in this cause on the twentieth day of February in the year of our Lord One thousand eight hundred and twelve.

Jest. **Harwood**

Baltimore County, &c.

Shereby certifiy, that the aforesaid is truly taken from the records of the Court of Oyer and Terminer and Good Delivery for Baltimore County.



In Testimony I have hereunto subscribed my name, and affixed the seal of the said Court of Oyer and Terminer and Good Delivery for Baltimore County, this sixteenth day of April in the year of our Lord One thousand eight hundred and twelve.

Harwood Clerk of Oyer and Terminer and Good Delivery for Baltimore County.

David Fulton

John Lewis (a negro)

Filed 16 May 1812.

May 1815

15.91

David Fulton

Negro John Lewis

Casa to June 1812

Transcript

Filed 18 May 1812

Cope for atty

1597

Baltimore County, Pc;

At a Court of Oyer and Terminer and Goal Delivery for Baltimore County, held at the Court-House in the City of Baltimore, in and for the County aforesaid, on the second Monday of January in the year of our Lord One thousand eight hundred and Twelve, for the Trial of all Felonies and other Crimes, Offences and misdemeanors Committed in the said County.

Present

The

Honorable

John Scott Esquire Chief Justice.

George G. Presbury Esquire Associate Justice

Job Smith Esquire Associate Justice

William Merryman Esquire, Sheriff

M. Harwood Clk.

In the record of proceedings of the same Court, amongst others were the following, to wit:

I. Sp.
I. G.
I. M.

John Lewis, Negroe,

Petition for Freedom.

Ed. M.

David Fulton

Be it remembered, that heretofore, that is to say, At a Court of Oyer and Terminer and Goal Delivery for Baltimore County, held at the Court House in the City of Baltimore, in and for the County aforesaid, on the second Monday of July in the year of our Lord one thousand eight hundred and Eleven, for the Trial of all Felonies and other Crimes, Offences and misdemeanors committed in the said County, the said John Lewis by John Scott Junior Esquire, his attorney, preferred to the Court here, his Petition for Freedom against David Fulton, and which is in form following, to wit:

To the Honorable the Justices of the Court of Oyer and Terminer and Goal Delivery for Baltimore County.

The Petition of John Lewis, negro, Humbly sheweth,

That he is a Native of the Island of St. Domingo was born free and by the Laws of the State of Maryland is entitled to his freedom, and that he is illegally held in Slavery by David Fulton of Baltimore County.

Your Petitioner therefore prays, that your Honours will cause Summons to issue for the said David Fulton, that he may shew cause, if any why your Petitioner should not be discharged from Slavery and declared free, and he will pray to

John Scott Jr for Petitioner

Which being read and heard, and mature deliberation thereupon had, it is ruled and ordered by the Court here, that summons issue agreeably to the Prayer of the said Petitioner against David Fulton, for his appearance here this Court to answer the complaint of the said Petitioner; which issued accordingly, and was by the Sheriff of the County aforesaid, to whom the said writ was directed returned, "Summoned Wm. Merryman, Shff." and the said David Fulton, by Elias Glenn Esquire, his attorney comes into Court here, and defends the force and injury when and soforth, and prays leave to imparle hereunto until next Court, and he hath it, and the same day is given to the said John Lewis also.

At which said next Court, to wit, the third Monday of September in the year of our Lord One thousand eight hundred and Eleven, comes again into Court here as well the said John Lewis by his attorney aforesaid, as the said David Fulton by his Attorney aforesaid, and the said David Fulton by his attorney aforesaid, as before defends the force and injury when and soforth, and prays further leave to imparle hereunto, until next Court, and he hath it, and the same day is given to the said John Lewis also.

And Now at this day, to wits, the second Monday of January in the year of our Lord One thousand eight hundred and Twelve, comes again into Court here, as well the said John Lewis by John Scott Junior, Thomas Jennings and John Montgomery Esquires, his Attornies, as the said David Fulton by Elias Glenn and Thomas Kell Esquires his Attornies. And the said David Fulton by his Attornies aforesaid, as before defends the force and injury when and soforth, and saith that the said John Lewis is not free, as he the said John Lewis by his said Petition above hath alledged, and of this he puts himself upon the Country and soforth. And the said John Lewis by his Attornies aforesaid, thereof in like manner and soforth. Therefore let a Jury thereupon appear before the Court here immediately, by whom and soforth, and who neither and soforth, to recognize and soforth, because as well and soforth, who being called come; that is to say, Joshua Smith, Philip Gore, William Hitchcock, Daniel Walker, Benedict Hunte, Charles Gore, John Daugherty, Henry Milley, Joshua Swann, George McNear, Patrick Bennetts and James Hazlet, who to say the truth in the premises, being elected, tried, empannelled and sworn; thereupon on motion of the said John Lewis by his Attornies aforesaid, for leave to withdraw a Juror for the purpose of amending his Petition aforesaid, the said James Hazlet one of the Jurors of the Jury within written, from the Panel aforesaid is withdrawn by the Court here, for the purpose of amending the said Petition, and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the said premises: thereupon the said John Lewis declares anew against the said David Fulton in the plea aforesaid, in manner, and form, and of the tenor following, to wits: ————— " ————— "

To the Honorable the Justices of the Court of Oyer and Terminer and Gaol Delivery for Baltimore County. — The Petition of John Lewis, negro, Humbly sheweth: That he is a Native of the Island of St. Domingo was born free and by the Laws of the State of Maryland is entitled to his freedom, and that he is illegally held in Slavery by David Fulton, of Baltimore County. Your Petitioner further sheweth unto your Honours that he is a Native of the Island of St. Domingo, and that he is held in Slavery by the said David Fulton, when by the Laws of the State of Maryland he is entitled to be free, that is to say, by having been brought into this State and sold therein, and by not having been exported within one year after his importation and by not having been recorded within the time limited by Law. Your Petitioner therefore prays that your Honours will cause summons to issue for the said David Fulton, that he may shew cause if any why your Petitioner should not be discharged from slavery and declared free, and he will pray to

John Scott Jr for Petitioner

And thereupon the said John Lewis by John Scott Junior, Thomas Jennings & John Montgomery Esquires his Attornies, prays that the said David Fulton may answer anew to the complaint aforesaid, of him the said John Lewis in the plea aforesaid: whereupon it is ruled by the Court here, that the said David Fulton answer anew to the complaint of the said John Lewis in the plea aforesaid and soforth. And the said David Fulton by his Attornies aforesaid, defends the force and injury when and soforth and saith that the said John Lewis is not free, as he the said John Lewis by his said Petition hath alledged, and of this he puts himself upon the Country and soforth. And the said John Lewis by his Attornies aforesaid, thereof in like manner

and so forth. therefore let a Jury thereupon appear before the Court here, immediately, by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, who being called come; that is to say, Henry Wilby, John Herby, Nicholas S. Jones, George Stevenson, John Morfit, William Hitchcock, William Warner, Philip Gore, Joseph Merryman, John Daugherty, George Hall and Benjamin Bowen, who to say the truth, in the premises, being selected, tried, empannelled and sworn, on their Oaths do say, that the said John Lewis is free, in manner and form as he the said John Lewis the Petitioner aforesaid, hath above alledged; therefore it is considered by the Court here, that the said John Lewis the Petitioner aforesaid, recover his Freedom of and against the said David Fulton, and that he be free and discharged of and from the service of the said David Fulton, and that he the said John Lewis go thereof freed and discharged without day and so forth; it is also considered by the Court here, that the said John Lewis recover against the said David Fulton the sum of Fifteen Dollars and three cents and one third of a cent, current money by the Court here, unto the said John Lewis adjudged on his assent, 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 and so forth.

Memorandum: Before the Jurors aforesaid, withdrew from the bar of the Court here, the said David Fulton by his attorneys aforesaid, files in Court here, the following statement of facts and Bill of Exceptions, to wit: — " — " — " — "

Negroe John Lewis Petition for Freedom. —

The following facts are admitted in this cause. That John Levout a Married man, being a native and resident of the Island of Saint Domingo removed from that place in July 1793, flying from Disturbances and Dangers which then there existed endangering the lives and property of the Inhabitants, and brought with him into Maryland three negroes of whom Negro ^{John} the Petitioner is one whom he then and before owned as a slave, that in May 1794, He sold said Negroe John as a slave to William Glenn who sold him as such whom the said Fulton afterwards purchased and now claims as such. That said Levout arrived at Baltimore in July or August 1793, and continued there to reside untill sometime in 1796, when he returned to the West Indies. —

E. Glenn, Kell. for Defendant
J. Montgomery, Tho. Jennings. for Pet.

The Defendant thereupon, prayed the direction of the Court to the Jury, that if they believe the foregoing facts, then the Petitioner is not in Law entitled to Freedom: Which opinion the Court refused to give, but directed the Jury, that upon the above facts the Petitioner is free. To which opinion and Direction of the Court the Defendant by his Council prayed leave to except, and that the Court here would sign and seal this his Bill of exceptions which is accordingly done this 20th day of February in the year of our Lord eighteen Hundred and Twelve. —

John Scott
Geo. Gouldth Presbury
J. Smith