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on the thirteenth day of December in the year of our Lord one thousand eight hundred and fourteen, the Court of Appeals (concurring) with the County Court as to the opinions contained in the first, fourth and fifth bills of exceptions in the records of proceedings aforesaid certified. At the argument and decision of this case in the Court of Appeals the honorable John Buchanan Esquire Judge withdrew from the bench

Test Thomas Harris J^r Clk

Otho Sprigg	Be it remembered that now law on the
in	first Monday in December being
Negro Mary	the sixth day of the said month in

the year of our Lord one thousand eight hundred and thirteen the associate judges of the fifth judicial district in pursuance of the act of Assembly in such case made and provided transmitted to the Court of Appeals the records and proceedings of a plea which was lately depending before in the County Court of Frederick between Negro Mary petitioner and Otho Sprigg defendants, and wherein the said County Court gave judgment for the said Negro Mary against the said Otho Sprigg, and from which said judgment the said Otho Sprigg prayed an appeal unto the Court of Appeals here the tenor of which said records and proceedings is in form following, to wit,
State of Maryland, Frederick County, to wit
At a County Court begun and held at the Court House in Frederick Town in and for the said County on the first Monday of August in the year of our Lord one thousand eight hundred and thirteen
Present

Morris J. ...
Negro Mary ...
Otho Sprigg

day of August ...
and twelve days ...
The Court ...
following ...
Court of ...
entitled to ...
Otho Sprigg ...
Sprigg ...
petitioner ...
the State of ...
Case made ...
of said State ...
to consider ...
and your ...
of your Court ...
transmitted ...
quants ...
of which ...
may ...
to the ...
and ...
said ...
in the ...
The State of ...
greeting you

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Abraham Shivers &	Equities
Roger Nelson	Associate Judges
Morris Jones Esquire Sheriff	William Ritchie clk

Negro Mary
 " "
 vs
 Tho Sprigg

Judgment on Verdict for the petitioners

Be it remembered, that heretofore, to wit, the tenth
 day of August in the year of our Lord one thousand eight hundred
 and twelve Negro Mary by the Laurence her attorney filed in
 Frederick County Court her petition for freedom in the words
 following, to wit, The petition of Negro Mary to the honourable
 Court of Frederick County your petitioned states that she is
 entitled to her free and is unjustly held in slavery by or certain
 of the Sprigg of Frederick County administrator of Thomas
 Sprigg deceased of said County the ground on which your
 petitioned claims to her free is that she has been brought into
 the State of Maryland contrary to the act of assembly in such
 case made and provided and against the laws and statutes
 of said State wherefore your petitioned prays your honours
 to consider her case and to set her free from her slavery
 and your petitioned prays your honours to allow her the process
 of your Court to compel the appearance of the Sprigg aforesaid
 to answer to the matter her alleged and that you will
 grant her your writs of Subpoena to compel the attendance
 of witnesses to testify for her and to do what else in the premises
 may seem meet to your honours and she will ever pray
 &c &c the Laurence ally for petitioned,
 And heretofore the said Negro Mary by her attorney aforesaid
 sued out of Frederick County Court her writs of Subpoena
 in the following words, to wit, Frederick County, to wit
 The State of Maryland To the Sheriff of Frederick County
 greeting you are hereby commanded to summon the

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Spring) that all excuses and delays set aside he do
 and appear before the Judges of the next County Court
 to be held at the Court house in Frederick Town in and
 for the County aforesaid on the first Monday in February
 next to answer the petition of negro Mary in the said
 Court against him exhibited for her freedom hereof
 he is not to fail and fail you not and have you then
 and there this writ Writ John Buchanan Esquire
 Chief Judge of the said Court the 3rd day of August 1811
 I sued the 10th day of August 1811

Wm Ritchie Clk

At which said first Monday in February in the
 year of our Lord one thousand eight hundred and eleven
 being the day of the return of the aforesaid writ
 comes into Court here the said Negro Mary by her
 attorney aforesaid and the Sheriff of Frederick County
 to whom the same writ was directed makes return
 thereof to the Court thus endorsed, to wit, ^{Wm Ritchie Sheriff}
 Whereupon the said Otho Sprigg appears here in
 Court and on motion of the said Negro Mary by her
 attorney aforesaid the said Otho Sprigg is adjudged
 to enter into recognizance in the usual form in
 such cases made and thereupon the said Otho
 Sprigg presents here in Court as aforesaid acknowledges
 himself to owe and stand justly indebted to the
 State of Maryland in the sum of three hundred
 and fifty dollars (current money) to be levied of
 his body, goods and chattels, lands and tenements,
 to and for the use of the said State on condition that
 he the said Otho Sprigg do not remove the said Negro
 Mary out of the State nor obstruct her from attending
 this Court from time to time to support her petition

for freedom aforesaid
 were and pay what
 the services of the
 of the judgment an
 Mary by her attor
 the said Otho Sprigg
 Mary in the petiti
 of the Court will be
 and the said Otho
 to force the force a
 imparts her a
 aforesaid on the pe
 petition of the said
 that the same
 At which said
 in the year one the
 Court here as a
 as the said Otho
 Otho Sprigg by his
 hereunto the next
 first Monday of
 the said Negro Ma
 the same day is
 At which said
 The Court in the y
 comes into Court
 attorney aforesaid
 aforesaid and the
 prays further that
 to be held for the
 August next to an
 in the year aforesaid

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for freedom aforesaid in the mean time to feed, clothe and use her
 well and pay whatever satisfaction the Court shall adjudge for
 the services of the said Negro Mary from this term to the time
 of the judgment and costs and on motion of the said Negro
 Mary by her attorney aforesaid it is ruled by the Court here that
 the said Otho Sprigg answer to the petition of the said Negro
 Mary in the plea aforesaid and unless he doth the judgment
 of the Court will be rendered against him in default thereof
 and the said Otho Sprigg by Roger D. Toney his attorney
 defends the force and injury and so forth and prays leave to
 impare here until the next Court to be held for the County
 aforesaid on the first Monday of August next to answer to the
 petition of the said Negro Mary in the plea aforesaid and he
 hath the same day is given to the said Negro Mary
 At which said next Court, to wit, the first Monday of August
 in the year one thousand eight hundred and twelve comes into
 Court here as well the said Negro Mary by her attorney aforesaid
 as the said Otho Sprigg by his attorney aforesaid and the said
 Otho Sprigg by his said attorney prays further leave to impare
 here until the next Court to be held for the said County on the
 first Monday of February next to answer to the petition of
 the said Negro Mary in the plea aforesaid and he hath the
 the same day is given to the said Negro Mary
 At which said next Court, to wit, the first Monday of
 February in the year one thousand eight hundred and thirteen
 comes into Court here as well the said Negro Mary by her
 attorney aforesaid as the said Otho Sprigg by his attorney
 aforesaid and the said Otho Sprigg by his said attorney
 prays further leave to impare here until the next Court
 to be held for the County aforesaid on the first Monday of
 August next to answer to the petition of the said Negro Mary
 in the plea aforesaid and he hath it with the assent of the parties

of and do the
 County Court
 Town in and
 Monday in February
 in the said
 Court here of
 have you then
 than an Equivo
 day of August 1811
 the Clerk
 many in the
 and twelve
 going and
 Mary by her
 Frederick County
 takes return
 by, sum^d Equivo^l Staff
 as here in
 pro Mary by her
 Sprigg is adjudged
 same for in
 the said Otho
 said acknowledges
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 and tenements
 condition that
 the said Negro
 her from attending
 another petition

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aforesaid (the same day) is given to the said Negro Mary
with the assets aforesaid

And now here at this day, to wit, the first Monday of
August in the year one thousand eight hundred and thirteen
(comes again into Court here as well the said Negro Mary
by her attorney) aforesaid as the said (The Sprigg by his
attorney) aforesaid and the said (The Sprigg) by his said
attorney) saith that the said Mary is a slave without
this that she is free in manner and form as by her
petition she hath alleged and this he ready to verify
and the said Mary says she is free in manner and
form as by her petition aforesaid she hath alleged and
this she prays may be enquired of by the Country
and the said (The Sprigg) in like manner to hereupon
for trying) the issue aforesaid (to be tried) appear before
the Court here immediately by whom & who neither
to recognize & because as well & who being called
come that is to say) John Marklee, John Ritchie,
William Buer, Valentine Buerer, Henry Zealer
Peter Fink, Casper Martz, John Rumberg, Charles
Kammund, George W. Miller, William Michael and
John Tucker who being elected, impaneled and
sworn to say) the truth in the premises betwixt the
parties aforesaid with them joined upon their oaths
do say that the said Negro Mary is free in manner
and form as by her petition aforesaid she hath alleged
Therefore it is considered by the Court here that
the said Negro Mary) the petition aforesaid recover
her freedom of and against the said (The Sprigg) and
that she be free and discharged of and from the service
of the said (The Sprigg) and that she the said Negro
Mary) go thereof free and discharged without delay &c

It is also considered
recover against
sally) (but and
by the Court here
assets for her
of her petition a
she have thereof
in this case on the
Memorandum
of the Court
aforesaid free
said, Negro Mary
plaintiff to app
to the Jury that
slave of Thomas
Maryland, Th
a citizen of this
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slave of the said
in this State an
said Thomas Spr
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for two years wh
by the said The
resides and be
Sprigg and he
a citizen of
1814) that Mary
was born in

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It is also considered by the Court here that the said Negro Mary recover against the said Otho Sprigg the sum of one dollar and sixty Cents and four hundred and ninety three pounds of Tob.^o by the Court here unto the said Negro Mary adjudged on her appeal for her Costs and Charges by her above the prosecution of her petition aforesaid laid out and expended and that she have there of her execution and so forth the Judgment rendered in this case on the 23 August 1813. Test William Ritchie Clk. Memorandum before the Court aforesaid withdrew from the bar of the Court here the said Otho Sprigg by his attorney aforesaid filed in Court here the following Bill of Exceptions to wit. Negro Mary vs Otho Sprigg. At the time of this cause the plaintiff to support the issue on her part offered in evidence to the Jury that she was the child of Muelatto Easter who was the slave of Thomas Sprigg of Frederick County in the State of Maryland. That the said Thomas Sprigg during all his life was a citizen of this State and died in this State in July 1810 That Easter the mother of the petitioner was borne in this State the slave of the said Thomas Sprigg and was held by him in slavery in this State until the year 1804 in the fall of which year the said Thomas Sprigg suffered her to be carried into that part of the district of Columbia lying East of the Potomack river called Washington County by a certain Charles Houston and that she continued in the said part of the said district employed by and residing with the said Charles Houston for two years when she was sent back to Frederick County by the said Houston to the said Sprigg and continued to reside and be employed in Frederick County by the said Sprigg until his death the said Easter never was hired or otherwise employed in the said district until the year 1804 that Mary the petitioner is the child of the said Easter and was born in the aforesaid part of the district of Columbia when

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The mother was shown as is herein before stated and returned with the mother and has continued with her ever since in Frederick County in this State upon the evidence above stated the defendant by his counsel prayed the opinion of the Court to the Jury that the facts above stated are not sufficient to entitle the petitioner to her freedom which opinion and direction the Court refused to give, But were of opinion and so directed the Jury that if they find the facts above stated to be true the petitioner is entitled to her freedom To which opinion and refusal of the Court the defendant by his counsel prayed leave to except and that the Court sign and seal this list of Exceptions according to the form of the statute in such case made and provided which is accordingly done this twenty third day of August in the year 1813

Attest Shanon (seal) O'Mellon (seal)

N^o 2) Negro man in Otho Sprigg petition for freedom in Frederick County Court. In the trial of this cause the petitioner produced a mulatto man named Richard Shorter as a witness in this cause whose mother was a black woman to swearing which said Richard Shorter the defendant objected It was then proved to the Court by the evidence of Richard Brooke Esquire that the said Richard Shorter was sworn as a witness in a cause in the Court for Frederick County in a cause of Kelly Shorter against Jafsa Phillips a white Christian man The record of which cause was also produced by which it appears that the said Richard was sworn in the said cause on the part of the said Kelly Shorter the said Brooke also swore to the Court that the mother of the said Richard

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 The petitioner

The petitioner
 D. Richards

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Shorley was a black woman but that she was free as having
 been one of the Shorley family who had claimed their freedom
 and obtained it on the ground of their being descended
 from a white woman. The said Brooks also proved that
 Richard Shorley was a body and free and that it was
 generally reputed that he was descended from the said Shorley
 family and from a free white ancestor on the female side
 The petitioners also produced to the Court the following certificate

The petitioners also produce to the docket entries

Richard Shorley ? November Term 1795

117 Imps } petition for freedom

vs. Thomas Sprigg } Trial Verdict for the petitioners that he is free

Judgment on Verdict 2^d December The original petition of the
 said Richard Shorley was then searched for by the Clerk of the
 Court but could not be found being either lost or mislaid
 of which no record was made. The defendant objected to the
 said Richard Shorley being sworn against the defendant
 a free white Christian man but the Court overruled the
 objection and permitted the said Richard Shorley to be sworn
 in the cause and he was sworn to which the defendant by
 his counsel objected and prayed that the Court would sign
 and seal the bill of exceptions which is accordingly done this
 23^d day of August 1815 Attest Shivers (seal) Nelson (seal)
 1815 after the evidence stated in the preceding exceptions had been
 offered by the petitioners the defendant offered in evidence to the
 Jury that in the year 1804 and before the mother of the petitioners
 was carried to the district of Columbia that Thomas Sprigg came
 to the house of Charles Heustons in Frederick's Town and said to
 him I have given Ester and her children (meaning the aforesaid
 Ester) to Maria Heustons the said Maria Heustons was then
 an infant of about 4 or 5 years of age. The said Ester and her children

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were then at the house of the said Charles Houston the father and natural guardian of the said Maria Houston and were then left in his possession by the said Thomas Sprigg as the property of the said Maria Houston that the said Charles Houston held and possessed the said negro woman and her children for the said Maria as her guardian from the time of said gift and as the guardian of the said Maria Houston carried the said Estee and her children to George Town in the district of Columbia and continued to hold her there for the said Maria Houston for about two years when he returned her and her child the petitioner to the said Thomas Sprigg in Frederick's County in the State of Maryland where the said Estee and her child have continued ever since that the petitioner was born after the aforesaid gift and while she was so possessed for the said Maria Houston that the said Maria Houston is now an infant under the age of sixteen years Whereupon the petitioner by her counsel prays the Court to direct the Jury that if they are of opinion from the evidence in the cause that the petitioner was born out of the State and brought into the State subsequent to the passage of the act of assembly of 1796 entitled an act relating to negroes and to repeal the act of assembly therein mentioned that she is entitled to her freedom even if they find the facts stated in this Exception to be true which opinion and direction the Court gave to the Jury to which opinion and direction the defendant by his counsel prayed leave to except and that the Court here would sign and seal this his bill of Exceptions according to the form of the statute in such case made which is

accordingly
 Whereupon
 prays an app
 intended to
 to be held for
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 Sprigg by his
 which is in the
 that no other
 of Frederick's
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 shall not pass
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accordingly done this 23^d day of August 1813

R Nelson ^{said}

Whereupon the said Otho Spigg by his attorney aforesaid
 pray an appeal from the Judgment aforesaid so as aforesaid
 rendered to the next Court of Appeals of the State of Maryland
 to be held for the Western Shore on the first Monday of
 December next and it is granted him thereupon the said Otho
 Spigg by his attorney aforesaid files in Court her an appeal bond
 which is in the following words to wit, Know all men by these presents
 that we Otho Spigg, John McPherson and Joseph Cromwell
 of Frederick County and State of Maryland are held and
 firmly bound unto Negro Mary of the County and State
 aforesaid in the full and just sum of three hundred dollars
 current money to be paid to the said Negro Mary or to her certain
 Attorney executor, administrator or assigns to which payments
 well and truly to be made we bind ourselves and every of us our
 and every of our heirs, executors and administrators jointly
 and severally firmly by these presents sealed with our
 seals and date this 23^d day of August in the year of our Lord
 eighteen hundred and thirteen whereas at a County Court
 begun and held at Frederick Town in and for Frederick
 County on the first Monday of August in the year Eighteen
 hundred and thirteen the above named Negro Mary
 by the Judgment of the same Court recovered against the
 above bound Otho Spigg her freedom from slavery and
 costs of suit from which said Judgment so as aforesaid
 rendered the said Otho Spigg hath prayed an appeal to
 the next Court of Appeals to be held for the Western Shore on the
 first Monday in December next, now the Condition of the
 above obligation is such that if the above bound Otho Spigg
 shall not pursue the directions of the act of assembly entitled
 an act for regulating writs of error and granting appeals from

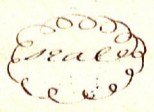
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and to the Courts of Common Law within this province
at the next Court of Appeals to be held for the Western
Shore and prosecute the same appeal with effect and
also satisfy and pay unto the said negro Mary
her executor, administrator or assignee in law the
said Judgment shall be affirmed all and singular
the Costs adjudged by the said County Court as also
all Costs and damages that shall be awarded by the
said Court of Appeals then this bond to be and remain
in full force and virtue otherwise of no effect

Otho Sprigg (Seal) John McPherson (Seal) Jos. Cromwell (Seal)
Signed, sealed and delivered in presence of Arthur Shauff
which bond is approved of by the Court and is ordered
by the Court here that the records of proceedings aforesaid
in the plea aforesaid with all things thereunto
relating be transmitted to the said Court of Appeals
and the same is transmitted accordingly

Test William Ritchie Clk

Fredricks County, to wit, I hereby certify that the
aforesaid is a true copy taken from the records
of proceedings of Fredricks County aforesaid



In Testimony whereof I hereunto set
my hand and affix the seal of the
said Court the first day of October in
the year 1813, William Ritchie Clk

Fredricks County Court

And now held on the said first Monday in
December in the year of our Lord one thousand eight
hundred and thirteen as aforesaid comes into the
Court of Appeals here, as well the said Otho Sprigg
by Arthur Shauff and Roger Quirk Taney his
Attornies as the said Negro Mary by Alexander

Countess...
by his attorney
proceeding...
aforesaid...
records aforesaid
in the plea...
Mary aforesaid
of the Court...
then the same
the proceeds...
that the Judge
in the record...
annulled...
Otho Sprigg
of the Court...
by his attorney
how that the...
Otho Sprigg
of the Judgment
appears here...
and the same...
day in Court...
to join in the...
in the record...
the same day...
At which...
day of the...
eight hundred...
appears here...
and the same...
is now in the...
recognition of the

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Coulters & Laguerre her attorney, and the said Otho Sprigg
 by his attorney aforesaid said that in the record and
 proceedings aforesaid, and also in the giving of judgment
 aforesaid, there is manifest error in this, to wit, that by the
 record aforesaid it appears, that the judgment aforesaid
 in the plea aforesaid given, was given for the said Negro
 Mary against him the said Otho Sprigg whereas by the law
 of the land that judgment ought to have been given for
 him the said Otho Sprigg against the said Negro Mary
 therefore that there is manifest error and he prays
 that the judgment aforesaid for that error and others being
 in the record and proceedings aforesaid, may be reversed
 annulled and be entirely void and that the said
 Otho Sprigg may be restored to all which he has lost by occasion
 of the said judgment &c. and on motion of the said Otho Sprigg
 by his attorney aforesaid it is ruled by the Court of Appeals
 here that the said Negro Mary join in the errors by the said
 Otho Sprigg above assigned in the record and proceedings
 of the judgment aforesaid or judgment by the Court of
 Appeals here will be rendered against her in default thereof
 and the said Negro Mary by her said attorney, prays a further
 day in Court here until the last Monday in May next
 to join in the errors by the said Otho Sprigg above assigned
 in the record and proceedings aforesaid and she hath to
 the same day is given to the said Otho Sprigg her &c.

At which said last Monday in May (being) the thirteenth
 day of the said month in the year of our Lord one thousand
 eight hundred and fourteen, come again into the Court of
 Appeals here the parties aforesaid by their Attorneys aforesaid
 and the said Negro Mary by her attorney aforesaid say there
 is no error in the record and proceedings aforesaid, or in the
 rendition of the judgment aforesaid, and she prays that the Court

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of Appeals here were proceed to the examination as well of the records and proceedings aforesaid as of the matters aforesaid by the said Otho Sprigg above previously assigned and that the said Judgments may be in all things affirmed &c. Whereupon further process of and upon the premises aforesaid between the parties aforesaid in by act of assembly in such case made and provided further continued before the Court of Appeals here unto the first Monday in December next the same day is given to the said parties aforesaid there then to hear the judgments of the Court of Appeals here of and upon the premises aforesaid &c.

And now at this day, to wit the first Monday in December being the 5th day of the said month in the year of our Lord one thousand eight hundred and fourteen, came again into the Court the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, Whereupon as well the records and proceedings aforesaid and the Judgments given in form aforesaid as the matters aforesaid by the said Otho Sprigg above previously assigned, being seen and fully understood by the Court of Appeals here and mature deliberation had thereupon and because it appears to the Court of Appeals here that there is no error in the records and proceedings of the Judgments aforesaid as to the refusal of the said County Court to give the opinion and direction to the Jury on the prayer of the said Otho Sprigg as stated in the first bill of exceptions and as to the opinion of the said County Court and their overruling the objection made by the said Otho Sprigg and permitting the said Richard Shorter to be sworn and witness in the cause, as stated in the second bill of

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Exceptions. Therefore it is considered by the Court of Appeals here that there is no error in the record and proceedings of the Judgment aforesaid as to the opinions of the said County Court as stated in the first and second Bills of Exceptions in the record and proceedings aforesaid certified and that the same opinions be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in any wise notwithstanding and because it also appears to the Court of Appeals here that there is manifest error in the record and proceedings aforesaid and also in the rendition of the Judgment aforesaid as to the opinion of the said County Court and their directions to the Jury as stated in the third Bill of Exceptions in the record and proceedings aforesaid certified. Therefore it is considered by the Court of Appeals that the Judgment aforesaid in part aforesaid given by the said County Court be revoked, annulled and held entirely as void, and that the said (The Spring) be restored to all things which by reason of the Judgment aforesaid he hath lost.

And because it clearly appears to the Court of Appeals here that Justice and the merits of this case require that there should be a new trial of the issue aforesaid, thereupon the Court of Appeals here pursuant to the directions of the act of Assembly in such cases made and provided, order and direct a remission of the record and proceedings aforesaid to the Clerk of the County Court of Frederick with the writ of the State of Maryland of procedendo to the said County Court directing them to proceed in the action aforesaid and to a new trial thereof in the same manner as if no trial had taken place or any appeal had been prosecuted. The record proceedings aforesaid with the said writ of procedendo are therefore transmitted to the Clerk of the County Court of Frederick accordingly, Test Th^o Harris J^r Clerk