

December Term 1808

to send the other slaves back in another vessel he had a right to send the slave back in the same way, the act of Congress has thought it a reasonable way and it is a good rule for us, did he pay him the two months wages it is right and proper he should not have paid them, if he had he would have been bound to pay them again to Mrs Hay with whom the Contract was made Perry was a slave and could do no act but such as Mrs Hay authorized him to do, Captain Corner put the slave on board Captain Wrenn bound for Baltimore to be brought back by the act of God the vessel was driven out of her course and compelled to go to one of the Islands, this was no wrong by Captain Corner, but when Mrs Perry makes his escape, is this the wrong of Captain Corner, we think not, suppose Perry had ran from the ship and drowned himself would Corner be answerable would it be a Conversion, No. suppose he had when compelled to go to this Island committed an offence against the laws of the state and was imprisoned would Corner be answerable, No. suppose the slave had taken a knife and cut his own throat would it be said that Captain Corner ought to have been standing always by to arrest the blow and that he having neglected to do this he is answerable, No. upon the whole we think that Martha Hay had a right to hire, and that there was no wrong in Captain Corner in receiving the slave on board as a manumission, that Captain Corner did as he was bound to do afterwards to ensure the return of the slave and if he deserted it was not Corner's fault and therefore it is the opinion of the Court that Corner is not guilty of a Conversion upon the facts so offered and admitted to be proved to the Jury, In direction to the Jury and opinion of the Court the Counsel for the Plaintiff, prayed leave to except and that the Court would give and read the same which is done accordingly.

Henry Ridgely *(Sgd)*

William Winchester *(Sgd)*

Edward Johnson *(Sgd)*

And therefore the said John Hay and Margaret Hay by their attorney aforesaid pray an appeal from the Judgment of the Court here so as aforesaid rendered to the Judgment of the General Court of the Western Shore and to them it is granted therefore it is ordered by the Court here that the records of proceedings in the plea aforesaid with all things thereunto relating be transmitted to the said General Court of the Western Shore and the same is hereby transmitted.

Test.

Wm Gibson Clk.

Baltimore County Sec I hereby certify that the aforesaid is a true

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