

MSA SC 5463-2-13

It appearing to the Court from the return  
filed in this case, that before the filing of  
this petition, the indentures of apprenticeship  
then mentioned, had been cancelled by  
the Orphans' Court for Calvert County and that  
the boy Lonsdale Gross a Jabb (as he is called  
in the return) was not returned by the sheriff by  
the Defendant, this petition is dismissed  
& the costs of the proceeding to be paid by the  
petitioner as he next sheweth - William F. Giles

May 12 - 1868

8  
Lonsdale Gross  
by his next friend  
W<sup>m</sup> L. Vandulip -

vs.  
D<sup>r</sup> W<sup>m</sup> Daniel

I allow the writ of Habeas  
Corpus as within prayed,  
which the Clerk of the  
District Court of the United  
States for the Maryland  
District will issue, re-  
turnable at the Court  
Room in the City of Balti-  
more on Saturday 25<sup>th</sup>  
April 1868 at 10 o'clock.

William F. Giles

2  
Fid. April 1 1868  
sub. ipse?

To the Hon. W<sup>m</sup> T. Giles, Judge of the District Court of  
the United States for Maryland District:

The Petition of Landdale Gross (colored)  
by his next friend William L. Vauclip respectfully  
represents that he is the son of Thomas & Clarissa  
Gross: that he is restrained of his liberty & held in cus-  
tody by Doctor William M Daniel <sup>residing in</sup> Prince Freder-  
icktown, Calvert County, in the State of Maryland,  
in violation of the Constitution & Laws of the United  
States.

That your Petitioner is restrained of his liber-  
ty by the said Doctor William M Daniel by virtue  
of certain alleged Indentures of Apprenticeship made  
not in accordance with the Laws of the State of Mary-  
land as applicable to the binding of White children:  
that at the time of making the said alleged Inden-  
tures of Apprenticeship the parents of your Petitioner  
were able, ready & willing to support him, that they  
were living in Calvert County, that neither they nor  
your Petitioner were summoned to appear before the Or-  
phan's Court of Calvert County aforesaid on the day of  
the making of the said alleged Indentures of Appren-  
ticeship & that the said Doctor William M Daniel  
is not bound by the said alleged Indentures of Ap-  
prenticeship to give your Petitioner any education in  
reading, writing, & arithmetic nor to teach your peti-  
tioner "some useful art or trade" all of which req-  
uisites are made necessary by the Laws of the State  
of Maryland in the case of the binding of white  
(Children)

children -

Your Petitioner therefore prays your Honor to grant unto him the Writ of Habeas Corpus addressed to the said Doctor William M Daniel requiring him to produce in this Honorable Court upon a day in the said Writ to be named; the person of your Petitioner to certify the true cause of his detention & to show cause if any he has, why your Petitioner should not be discharged from his said unlawful custody & detention, & as in duty bound,

Henry Stockbridge &  
Nathan M. Pusey  
Attys for Petrus

State of Maryland

City of Baltimore, to wit:

I hereby certify that on this 27<sup>th</sup> day of March in the year eighteen hundred & sixty eight before me a Commissioner of the United States personally appeared W<sup>m</sup> L. VanDeulip & made oath in due form of Law that the matters & facts stated in the foregoing Petition are true as therein set forth to the best of his knowledge & belief -

Per Byron Rogers  
Commissioner of the U<sup>s</sup> States  
in and for better proof

To the Honorable William Fell Giles  
Judge of the District Court of the United States  
for the District of Maryland

The Return of William McDaniel to  
the writ requiring him to produce the body  
of Lamsdale Gross respectfully shows that Lamsdale  
Gross is not now & was not when said writ  
was issued in the possession or custody or under  
the control of the Respondent, & that this  
Respondent is not now & was not when said  
writ was issued restraining the said Lamsdale  
Gross of his liberty. This Respondent however  
admits that he has in his possession a boy,  
known as Lamsdale Tabbs, who he is informed  
is the illegitimate child of one Webster Tabbs  
and Clarina Gross, but that said Lamsdale  
Tabbs is not restrained of his liberty by this  
Respondent, but with his own consent &  
that of his mother is living with this Respondent,  
the reputed father of the said Lamsdale having  
never to the knowledge of this Respondent  
acknowledged or attempted to provide for  
the said Lamsdale. And this Respondent  
alleges that he does not believe that the  
Petition in which said writ was issued was  
filed with the knowledge & consent of the said  
Lamsdale Tabbs or of either of his parents,  
and that except from a partial similarity in  
names, he has no reason to suppose

over to Henry - & was to whom said proceedings were conducted

that the said Lonsdale Tabbs was the person  
referred to in said writ, but that if he is  
this Respondent is ready and willing to obey  
the orders of this Honorable Court in reference  
thereto

Wherefore he prays that said Petition be  
dismissed with costs and that this Respondent  
be discharged from the operation of said writ

Walter & Thomas  
Solicitors for Respondents

Sworn to before Me in Open  
Court this 12 May 1868

Jas W. Chew Clerk  
do ct.

