Jane Cromwell by
her next friend
Daniel Brice
Petition for habeas
Corpus.

Let the writ issue as
prayed in this petition &
make the same returnable
before me in the District Court
at ten o'clock on Monday
the 6th day of January 1868
William T. Ryder
III

Filed December 14 1867
Writ issued same day. Returned
6 Jany 1868.

To the Honorable Wm Fell. Giles, Judge of the United States District Court for the Maryland District.

The Petition of Jane Cromwell (Colored) by her next friend Daniel Brice, respectfully represents unto your Honor that she is restrained of her liberty and held in custody by Henrietta Wilson residing near Arnold's store in Anne Arundel County in the State of Maryland, in violation of the Constitution and Laws of the United States.

That your Petitioner is restrained of her liberty and held in custody by the said Henrietta Wilson by virtue of certain alleged Indentures of Apprenticeship made, not in accordance with the Laws of the State of Maryland as applicable to the binding of white persons. That your petitioner was not summoned to appear before the Orphans Court of Anne Arundel County on the day of the making of the said alleged Indentures of Apprenticeship, that the said Henrietta Wilson is not bound in and by the said Alleged Indentures of Apprenticeship to give your petitioner any education in reading, writing and arithmetic; all which requisites are made necessary by the laws of the State of Maryland in the case of the binding of a white person.

Your petitioner further represents unto your Honor that she is treated with great cruelty by the said Henrietta Wilson.

Your Petitioner therefore prays your Honor to grant unto her the Writ of Habeas Corpus, addressed to the said Henrietta Wilson requiring her to produce in this Honorable Court upon a day in said Writ to be named the person of your Petitioner, to certify the true cause of her detention and to show cause if any she has why your Petitioner should not be discharged from her said unlawful custody and detention &c as in duty bound &c.

Ay. Stockbridge &
Nathan M. Pursey
Atty's. for Petitioner

State of Maryland
City of Annapolis

Be it Known that on this 4th day of December in the year Eighteen Hundred and sixty seven, before me Richard R Goodwin Notary Public for the State of Maryland residing in the City of Annapolis, duly commissioned and sworn and by law authorized to administer oaths and affirmations, personally appeared Daniel Brice and made oath in due form of law that the matters and facts set forth in the aforegoing petition are true as therein stated to the best of his knowledge and belief.

In Testimony Whereof, I have hereunto set my hand and affixed my seal of office, the day and year first above written.

Richard R Goodwin Not Pub

Actual

Expenses in place of Mileage to serve writ of Habeas Corpus on Henrietta Wilson, Anne Arundel County Md

Seven dollars and fifty cents $7.50

Writ 2.00

D. French $9.50

Sworn to before me
this 8 day of Jany 1868

Jas. W. Chew Clerk
Dist Ct & U.S. Commr Ex Offic

In the Matter of the
Petition of Jane Cromwell
by her next friend Daniel
Brice

In District Court U.S.

Petition for Writ of Habeas
Corpus.

Costs — — — — $13.25

Jas W Chew Clerk
Dist Ct.

In the Matter of
the Petition of
Jane Cromwell
by her next friend
Daniel Brice

—

Habeas Corpus

Henry Stockbridge
Nathaniel M. Pusey

The United States of America
District of Maryland, to wit:

To Henrietta Wilson, residing near Arnold's Store in Anne Arundel County in the State of Maryland — Greeting:

You are hereby commanded to be and appear before the Honorable William F. Giles Judge of the District Court of the United States, at the United States Court Room in the City of Baltimore, on Monday the 6th day of January 1868 at 10 O'Clock A.M. And that you have with you the body of Jane Cromwell (Colored) now in your Custody as it is said, And that you certify and make known the day and cause of the Caption and detention of the said Jane Cromwell, and that you then and there do submit to and receive what power the said Judge shall determine upon concerning you in this behalf according to law and have you then and there this writ.

Witness the Honorable William F. Giles Judge of our said District Court the first Tuesday in December in the year of our Lord one thousand eight hundred and sixty seven.

Issued December 14/67

Jas. W. Chew Clerk
District Court

In compliance with the within writ I produce the body of Jane Cromwell & state that she is not detained against her will, but that she remains in my service of her own accord. And I do not claim to hold her under any Indentures of Apprenticeship whatever —

Sworn to in Open Court
before me this 6 day of
January 1868 Henrietta Wilson

Jas W Chew Clerk
ex officio

Opinion & Order
of Court =

Fd. January 6th 1867

In the matter of the Habeas Corpus in the case of Jane Cromwell, a colored infant

Last Spring a petition was presented to me for the writ of Habeas Corpus in a case similar to the present one, and I declined to order it, being of the opinion that the holding of an apprentice bound according to the laws of this State was not a case of involuntary servitude within the meaning of the 1st clause of the 13th Amendment to the Constitution of the United States; and therefore I had no authority under the act of Congress passed Feb 5th 1867, to order a writ of Habeas Corpus in such a case; I was answering that an appeal should be taken from any ruling to the Supreme Court of the United States, that the opinion of that High tribunal might be had in the matter; I believe an appeal was taken but it was not prosecuted to the Supreme Court. Since then, Chief Justice Chase (who is the presiding Judge of this Circuit) has ordered the writ to be issued in a case like this, and has discharged the apprentice. I understand him to have decided in the case before him, that the holding of a colored child, under Indentures drawn in pursuance of the laws of this State in relation to negro apprentices, is a case of Involuntary servitude within the meaning of

the 1st section of the said 13th Amendment; and that the civil rights bill, enacted under the authority of the 2nd clause of said Amendment is constitutional and applies to all conditions prohibited by it: and that where it appears by the indentures, that they do not contain certain important provisions which are required by the laws of this State in reference to white apprentices, they are void, and the apprentice will be discharged:

This decision of the presiding Judge of this Court will govern me in all future applications of a similar character, unless ~~it shall be~~ a different opinion shall be pronounced by the Supreme Court; that Tribunal ~~which~~ whose decisions bind us both.

As it then appears by an examination of the facts of this case, that Jane Cromwell a colored infant was bound by the Orphans Court for Anne Arundel County to John Pettibone of said County by indentures similar to those in the case decided by the Chief Justice, it is hereby this 16th day of January 1868, ordered that she be released from all claim to service for or on account of the same: and in as much as the Defendant Henrietta Wilson swears in her return to the writ in this case, that the said Jane Cromwell was not detained in

been found against her will but of her own ~~free~~ accord, and that she did not claim the services of said infant under the said Indenture. x It is further ordered that the Costs of this Case be paid by Daniel Bird, the next friend of said infant.

William H. Giles

x and there is no Evidence offered to contradict this return.

[Reported for the Baltimore Sun.]

Proceedings of the Courts.

United States District Court.—Judge Giles.—In the matter of the habeas corpus in the case of Jane Cromwell, a colored infant, the following opinion was rendered:

"Last spring a petition was presented to me for the writ of habeas corpus in a case similar to the present one, and I declined to order it, being of the opinion that the holding of an apprentice bound according to the laws of this State was not a case of involuntary servitude, within the meaning of the first clause of the thirteenth amendment to the constitution of the United States, and therefore I had no authority, under the act of Congress passed February 5, 1867, to order a writ of habeas corpus in such a case. I was anxious that an appeal should be taken from my ruling to the Supreme Court of the United States, that the opinion of that high tribunal might be had in the matter.

"I believe an appeal was taken, but it was not presented to the Supreme Court. Since that, Chief Justice Chase (who is the presiding judge of this circuit) has ordered the writ to be issued in a case like this, and has discharged the apprentice. I understand him to have decided, in the case before him, that the holding of a colored child, under indentures drawn in pursuance of the laws of this State in relation to negro apprentices, is a case of involuntary servitude within the meaning of the first section of the said thirteenth amendment, and that the civil rights bill, enacted under the authority of the second clause of said amendment, is constitutional, and applies to all conditions prohibited by it; and that where it appears by the indentures that they do not contain certain important provisions which are required by the laws of this State in reference to white apprentices, they are void, and the apprentice will be discharged.

"This decision of the presiding judge of this circuit will govern me in all future applications of a similar character, unless a different opinion shall be pronounced by the Supreme Court—that tribunal whose decisions bind us both.

"As it, then, appears by an examination of the facts of this case that Jane Cromwell, a colored infant, was bound, by the Orphans' Court for Anne Arundel county to John Pettibone, of said county, by indentures similar to those in the case decided by the chief justice, it is hereby, this 6th day of January, 1868, ordered that she be released from all claim to service for or on account of the same; and inasmuch as the defendant, Henrietta Wilson, swears, in her return to the writ in this case, that the said Jane Cromwell was not detained in her service against her will, but of her own accord, and that she did not claim the services of said infant under the said indentures, and there is no evidence offered to controvert this return, it is further ordered that the costs of this case be paid by Daniel Brice, the next friend of said infant."

Jesse Scott and others vs. Thomas Parsons and others, owners of the schooner Berger, libel for wages; case not decided. Court adjourned until this morning. The United States Circuit Court adjourned over until the first Monday in February.

THE SCIENTIFIC ART, of which either sex can produce their future Bride or Husband, sold at J. PRIDGEON'S CIGAR STORE, No. **310** West Baltimore street. ja7-1m*j

I HEREBY FOREWARN all persons from trusting ANY ONE on my account, as I will pay no debts contracted by any person but myself.
1t*' JAMES ELLIOTT.

PERSONAL.—ANOTHER GREAT REDUCTION.—I have to-day put down all numbers Gents' City-Made LINEN BOSOM SHIRTS. Prices, $1 50, $1 75, $2, $2 25, $2 50, being 50 cents less than I sold them last week. for each quality. Come and see, if you want bargains, at W. H. RINGGOLD'S, **95** North Charles street, *near Mulberry, east side.* 1t*'

THE CHEAPEST TRUNKS IN THE CITY can be had at SHOEMAKER'S,
No. **265** Baltimore street,
j4-3t*, one door from Hanover st.

M. HAMMOND, M. D., HOMŒOPATH, Office, **57** NORTH PACA ST., Baltimore. Office hours from 7 to 9 A. M., 1 to 3 and 6 to 8 P. M.
Dwelling, **52** PACA ST., nearly opposite. j 4-1m*

OLD HATS! OLD HATS!
The place to get your Old Silk and Cassimer HATS MADE FASHIONABLE is No. **66** HARRISON STREET. j4-s,tu,th-3t*j

HATS RENEWED.—Worn and Soiled Fur and Wool Soft HATS CLEANED, DYED, ALTERED and STIFFENED, finished to new styles. Silk Hats refinished and set to a fashionable shape. No. **60** SOUTH CHARLES STREET. j4-eo6t*1

PAST, PRESENT AND FUTURE EVENTS REVEALED BY MADAM REVERE.—The Madam s all she professes—surprising all by her true developments. She is now to be found at No. **13** HIGH ALLEY, near Fayette street, between Alsquith street and Central aveeue, where all who call are guaranteed satisfaction. Ladies twenty-five cents; Gentlemen fifty cents. j6-2t*j

ASTONISHING.—MADAM MORELL tells all the Affairs of Life, describes your Husband and Absent Friends, tells day and hour of Marriage, and how many times you will marry, warns you of Dangers by sea or land, tells all Business Transactions, guides the Single to a Happy Marriage, tells the Married how to live happy. Her charms never fail.
Office No. **71** ENSOR STREET.
Fee—Ladies 50 cents: Gents $1. ja6-3t*

MAD. BURTO, THE GREATEST ASTROLOGIST now living, points out all that relates to your happiness or misery; causes speedy marriage. No. **31** DURHAM STREET, (formerly Happy alley,) two doors south of Lombard street and east of Broadway. j4-3t*'

ASTROLOGY.—MADAME CARSON, **110** FAYETTE ST., near Alsquith, the only sure guide for Ladies and Gentlemen concerning the Present and Future. Insures truthful satisfaction. ja4-3t.*

ADAMS'S WELL-KNOWN SHIRT MANUFACTORY IS REMOVED to No. **184** BALTIMORE *STREET, opposite Light st.—opposite Light st.j3-1m(**

FOR THE LADIES.—SAVOURNIN CELEBRATED SNOW WHITE DIAMOND, for Beautifying the Complexion, sold by Druggists, Perfumers and Hairdressers everywhere. Agents WM. H. BROWN & BRO., **25** South Sharp st. tJ30*rj

NEURALGIA SPECIFIC.—The old-established never-failing remedy is guaranteed to relieve Neuralgia and Nervous Headache when all other remedies have failed. Sold by W. J. STOWELL, **12** Gough street. Sent to any part of the country for 60 cents. tS30*rj

WANTED—Information of a COLORED WOMAN,