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EDITOR'S NOTE

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A Bid for Freedom

The Case of Nancy Queen

Less than three years after the State of Maryland ratified the Bill of Rights that gave one the right "... to petition the government for a redress of grievances," Thomas Buchanan filed a petition in the Charles County Courts for freedom on behalf of his client Nancy Queen. The following account of these proceedings is taken from the court's records.

Be it remembered that on the 7th day of June anno Domini 1794 Nancy Queen, by Thomas Buchanan her attorney, exhibited to the justices of the court here her petition for freedom against the Reverend Charles Sewall, in the words following to wit: "To the honorable the Justices of Charles County Court:

The petition of Nancy Queen humbly sheweth that your petitioner is entitled to her freedom, being descendant of a free woman named Mary Queen; and is unjustly held in slavery by the Rev. Mr. Charles Sewall of Charles County aforesaid. She therefore prays your honors to take her case into consideration and release her from such unlawful servitude (sic), and she will praye ye — Thomas Buchanan for the petitioner.

Whereupon it is ordered by the court here that the said Reverend Charles Sewall do not remove the aforesaid Nancy Queen out of this county nor obstruct her from attending this court from time to time, in support of her petition from freedom against him the said Charles Sewall. And in the meantime, to feed, clothe and use the said Nancy Queen well. And at the prayer (request) of the said Nancy Queen by her attorney aforesaid, summons is ordered by the court here to issue to the sheriff of Charles County against the aforesaid Charles Sewall to answer the petition aforesaid, which accordingly issued in the words and figures following to wit:

"Charles County to wit, The State of Maryland to the sheriff of Charles County greeting. We command you that you summon the Rev'd Charles Sewall of Charles County, that all excuses and delays set aside, he be and appear before the justices of our next county court to be held at Charles Town on the Third Monday in August next to answer unto the petition of Nancy Queen prefered (sic) against him for freedom. Hereof he is not to fail (and fail nor at your peril) and have there then this writ. Witness: Michael Jenifer Stone, Esquire, Chief Justice of our said court at

Charles Town aforesaid the 5th day of April anno Domini 1794. Issued the 7th June 1794 (T. Buchanan) In. B. Turner, Clerk.

At which said third Monday in August, being the day of return of the foregoing writ, comes into court here the said Nancy Queen, by her attorney aforesaid, and the Sheriff of Charles County to whom the same writ was made. And directed like wise comes and makes return thereof to the court here, thus endorsed, to wit, summoned James Simms, sheriff and the said Charles Sewall, by Francis Digges and Walter Dorsey, his attorneys, come(s) and defends the complaint aforesaid, when and where the said court shall take the same into consideration.

Whereupon it is ordered by the court here that the said Charles Sewall enter unto recognizance in the sum of one hundred pounds current money not to remove out of Charles County the aforesaid Nancy Queen, nor obstruct her from attending this court from time to time in support of her petition for freedom preferred against him.

And in the mean time, to feed, clothe and use said petitioner well. And the said Charles Sewall by his attornies (sic) aforesaid prays leave of the court her to *imparle until next court. And he hath it and the same day is given to the said Nancy Queen also.

When the next session of court opened, on the third Monday in March of 1795, the parties to the dispute again requested a continuance of the case to the next term of court. This was granted. And, again the case was postponed at the court session on the third Monday in August of 1795. Finally, without any other action of the court being recorded, the hearing was postponed at a request of the third Monday in March of 1796. Again we take up the narrative from the court records:

At which said next court to wit, the third Monday in August anno Domini seventeen hundred and ninety-six comes again as well the said Nancy Queen, by her attorney aforesaid, as the said Charles Sewall by Francis Digges, Walter Dorsey and William Hilty, his attornies. And, the said Charles Sewall by his said attornies as before defends the ... complaint aforesaid then and where the said court shall take the same into consideration and admitting that the said Nancy Queen descended from Mary Queen mentioned in the said petition, says that the said Mary Queen, the great *imparle — to request that a court case be postponed until a later date.

grandmother of the petitioner, from whom by descent the petitioner claims her freedom, always was a slave.

And this the said Charles is ready to verify without that, that the said Mary was free as alledged by the said petition. And the said Nancy by her attorney aforesaid saith that the said Mary Queen was not a slave at the time of the birth of the issue of Mary Queen, from whom the said Nancy is descended, as the said Charles above, in pleading, hath alledged. And this the said Nancy prays may be enquired of by the country, and so forth. And the said Charles (Sewall) doth the like agree.

Whereupon, for trying the issue aforesaid between the parties aforesaid above joined to be tryed country, command is given to the sheriff of Charles County that he cause to come before the justices of our county court here immediately twelve jurors . . . on the same third Monday in August aforesaid, the Sheriff of Charles County to wit, Joseph Green, Esquire, to whom the foregoing precept was made and directed makes return thereof to the court here that he has here ready twelve jurors, as he the said sheriff was commanded.

What proof, if any, that Nancy Queen offered the court to support her claim to freedom is not part of this court record, but Mr. Sewall's attorneys filed with the court a deposition from a Mr. Benjamin Duvall, scion of a family with large landholdings in Anne Arundel County. While the entire statement of Mr. Duvall is part of the record, the jury received only portions that the judge considered relevant to the case. Let's look at that deposition and join the jury and the court in the final decision and conclusions.

At the trial of this cause the defendant, by counsels to maintain and support the issue on his part, offered in evidence to the jury the deposition of Benjamin Duval, taken and filed in this cause. Benjamin Duvall, aged eighty three years, being sworn on the Holy evangels of almighty God deposeth and saith that he knew a negro woman belonging to James Carroll commonly called the Pappow Queen, who came into this country in a vessel, the name of the captain of which he did not hear, but thinks the vessel came into West River and that the Pappow Queen was purchased. He always understood by the aforesaid James Carroll.

That this deponant's father - Marcen Duvall - who lived at the White Marsh and adjoining the plantation of the said Carroll — did also purchase from the said vessel a negro woman, who was called Sarah. And that old Mr. Murdock purchased from the same vessel a negro man who was called Golden Coast Tom. And that several other people in the neighbourhood purchased negros from the same vessel. And he understood a good may negros were brought in the said vessel. And the Sarah aforesaid and the Pappow Queen said a number of them died during the passage and were thrown overboard. And further, said that they two were healthy, being allowed to be on deck and washing for the sailors (sic). And further said that one the Pappow Queen's sisters came in with her, and that two of her brothers were in the vessel and died on the passage.

This deponent further saith that the woman before mentioned, belonging to James Carroll often came to see his father's woman Sarah, that they spoke the same language and always said they were shipmates. And that they spoke in a language he could not understand in their country language, and could talk a whole day without his understanding them. And that after death of Sarah aforementioned, the Pappow Queen did not come to his father's anymore. That the Pappow Queen wore beads on her arms and had her head dressed with them - and twisted round her hair, which was, (when dressed) near a yard long. And on the top she had a knot of beads. That he knew this woman belonging to James Carroll many years. That she was always treated by her master as a slave. That he never heard her or any other person say that she was entitled to or has any pretentions to freedom. That he knew a mullato boy named Ralph, who was her son (as it was said by Thomas Barm who kept her as a mistress.) That he never knew any other woman in the family of James Carroll by the name of Queen. That he was frequently at Fingoe, where James Carroll lived. That he never heard any disputing between James Carroll and the aforesaid negro woman respecting her right to freedom, nor did he ever hear his father or any of his brothers or sisters say that they heard any such thing.

That James Carroll had no other place of residence nearer to the deponent's father than that at Fingoe, which is about ten or twelve miles distant. This deponent further saith he understood the aforementioned Sarah was a Mundingo Negro and that the Pappow Queen was not from the same country; therebeing as he understood several different countrys (sic) from which negroes came, such as the Golden Coast and others. That Sarah was a black woman and spoke English pretty well, and that the Pappow Queen spoke it in a more broken manner.

Being asked if the woman purchased by his father was dressed in the same manner as the Pappow Queen, answers that she was not. That she was almost naked, having only a shirt around her shoulders and another around her waist; and that she likewise wore some blue beads, small and different from the Pappow Queen's. Being ask if he ever saw the Pappow Queen at the White Marsh, answers he has. She was frequently there. Being asked if he ever saw James Carroll there, answers, he was frequently. That James Carroll commonly called her his Pappow Queen.

Being asked what was the complexion of the Pappow Queen, answered, "She was very yellow." Being asked how old she was when he last saw her - answer - "About fifteen or sixteen." That he never saw her after he lived with Madam Henderson. Being asked if he understood what became of the Pappow Queen afterwards, answers that he understood that James Carroll gave her away or sold her a considerable distance off. Being asked if he remembers when his father bought his negro answers he does, that he thinks he was about eight years old. Being asked how old he was when he left his father's neighborhood, answers he was about twenty years old. That he never knew any of the Pap-

pow Queen's children but Ralph, who it was said was her son. This deponent further saith that the Pappow Queen said she was a queen in her own country.

Being asked if he ever heard anybody say the Pappow Queen was free or a slave, say he never heard anybody say anything about her. Being asked why he thought the vessel came into West River answers because his father was gone two days. Being asked if he ever heard that she came into West River answers he did not and further this deponent saith not.

Walter D. Gibbons, Charles Mankin, Francis Lancaster, Thomas Harrison, James Fenwick, George Chapman, Richard Mason, Ignatius Middleton, James Neale, John McPherson, Burford Cottrell and William McPherson, Jr., were the jurors who heard the above evidence," who being duly empannelled (sic), elected tried and sworn to say the truth in the premises upon their oath do say . . . "

That the said Mary Queen the great grandmother of the petitioner, from whom by descent the petitioner claims her freedom, always was a slave, as the said Charles Sewall by his plea aforesaid above has alleged. Wherefore it is adjudged by the justices of the court here Nancy Queen is not entitled to her freedom, so as aforesaid by the jurors aforesaid found and that the said Nancy Queen, the petitioner, return to the service of her master, the aforesaid Charles Sewall and in the service of her said master to remain.

Editors Note: This case was appealed by Nancy Queen to the General Court of Maryland.

Reference: CHARLES COUNTY RECORDS Court Proceedings Liber IB#—1796 - 1797.

