Henrietta Butler against Edward Smoot

Be it remembered that heretofore to wit, on the Twenty first day of October in the year of our lord one thousand seven hundred and ninety, Henrietta Butler by Gabriel Duvall her attorney, preferred and filed in the General Court here, her Petition for Freedom against Edward Smoot, which is in form following, to wit. To the honourable the Judges of the General Court. The Petition of Henrietta Butler humbly sheweth, that she is held as a slave by Edward Smoot of Charles County although she is entitled to her freedom being descended from a free woman. Your Petitioner is the daughter of Eleanor Butler who was the daughter of Eleanor Butler a free woman. She therefore prays that your honours would take her case into consideration and discharge her from the custody of the said Edward Smoot, and that summonses may issue for her Witnesses, and soforth.

G. Duvall for Pet.

Whereupon the said Henrietta Butler by her attorney aforesaid, prosecuted and sued forth out of the General Court here, the writ of the State of Maryland of Summons, against the said Edward Smoot, directed to the Sheriff of Charles County in form following, to wit. The State of Maryland ss. To the Sheriff of Charles County, Greeting. We command you that you summon Edward Smoot late of Charles County Gentleman that all excuses and delays set a side he be and appear before the Judges of our General Court to be held at the City of Annapolis on the second Tuesday of May next to answer the Petition of Henrietta Butler preferred against him for Freedom. Hereof he is not to fail and fail not at your Peril, and have you then and there this Writ Witness the honourable Thomas Johnson Esquire Chief Judge of our said Court the 24 day of November Anno Domini 1790. (G. Duvall)

Issued the 7th day of December 1790. Jno Gwinn Clk.

At which said second Tuesday of May, being the Tenth day of the said Month in the year of our Lord one thousand seven hundred and ninety one, and the day of the return of the aforegoing Summons, comes into the General Court here, the said Henrietta Butler by her attorney aforesaid; and the Sheriff of Charles County aforesaid, to whom the said summons was inform aforesaid directed, makes return thereof to the Court here thus endorsed to wit. "Summoned – Thos A. Dyson, Shff." Whereupon comes into the General Court here, the said Edward Smoot by Thomas Du Hurst Merrick his attorney. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by order of the Court here, is continued until the second Tuesday of October next; the same day is given to the parties aforesaid, then and Soforth.

At which said second Tuesday of October, being the Eleventh day of the said Month in the year of our Lord one thousand seven hundred and ninety one, come again into the General Court here as well the said Henrietta Butler by her attorney aforesaid, as the said Edward Smoot by his attorney aforesaid. Thereupon, further process of and upon the premises aforesaid between the parties aforesaid, by order of the Court here, is further continued until the second Tuesday of May next; the same day is given to the parties aforesaid, then and Soforth.

At which said second Tuesday of May being the eighth day of the said month in the year of our lord one thousand seven hundred and ninety two, come again into the General Court here as well the said Henrietta Butler by her attorney aforesaid, as the said Edward Smoot by his attorney aforesaid. Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by order of the Court here, is further continued until the second Tuesday of October next; the same day is given to the parties aforesaid, then and Soforth.

At which said second Tuesday of October being the ninth day of the said month in the year of our lord one thousand seven hundred and ninety two, come again into the General Court here as well the said Henrietta Butler by her attorney aforesaid, as the said Edward Smoot by his attorney aforesaid. And the said Henrietta Butler by her attorney aforesaid files in Court here the Deposition of Jacob Butler, which is in form following to wit.

Henrietta Butler against Edward Smoot

Jacob Butler aged fifty years and upwards being duly sworn on the holy evangely of almighty God deposeth and saith that the Petitioner is the sister of the whole blood of the mother of the deponent who obtained his freedom against Eleanor Taney, at last Court. Sworn before me this 25th day of May 1793.

J Bullen

Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by order of the Court here is further continued until the second Tuesday of May next; the same day is given to the parties aforesaid, then and Soforth.

And now at this day to wit, the said second Tuesday of May being the fourteenth day of the said month in the year of our Lord one thousand seven hundred and ninety three, come again into the General Court here, as well the said Henrietta Butler by her attorney aforesaid, as the said Edward Smoot by Henry Ridgely his attorney: and the said Henrietta Butler by her attorney aforesaid, files in Court here the Deposition of Joseph Butler, which is in form following to wit.

Thomas Butler against Jezreel Penn

Joseph Butler a freman of colour aged about fifty one years and upwards, being sworn on the holy evangely of almighty God deposeth and saith that the Petitioner Thomas is the son of Elizabeth Butler who was the daughter of Eleanor Butler, which said Elizabeth and Eleanor this deponent well knew upwards of thirty years ago; that Eleanor aforesaid as this deponent has been informed and always understood was the daughter of Eleanor Butler a free Irish woman, and the said Eleanor was sister of this deponents grandmother Sarah Butler who was daughter of the said free Irish woman. And further he saith that Clement Butler, Jacob Butler and Giles Butler who have petitioned against