

William Colman by
his next friend

David Wilson

Capt Adams-

Petition for writ of Habeas
Corpus—


Filed 27 Oct 1851

Writ now issued and signed
returnable 28th Oct 1851
at 10 o'clock A.M.—

To the Judge of the District Court of
of the United States for the Maryland District

The petition of David Wilson res-
pectfully sheweth that William Coleman is
a minor under twenty one years of age, and
has been enlisted in the navy of the United
States without, and against the consent of his
only parent and natural Guardian, his
Mother, he is now illegally held by Captain
Adams on board the receiving ship
Ontario, in the Port of Baltimore, wherefore
he prays that a writ of Habeas Corpus may
be issued to the said Captain Adams
requiring him on a day to be therein men-
tioned to appear before you and produce
the body of the said William Coleman
with the day and cause of his cap-
ture and detention on board said
receiving ship — and that
he may be discharged therefrom
and your Petitioner will ever

Pray ee
Oct 27th 1857

David Wilson


Descriptive List

William Coleman (Land) Born Baltimore, Age 21 years,
Height 5 ft. 10 1/2 inches, Complexion Fair, Hair Chestnut-
Brown, Eyes Light-Hazel, Shipped Oct. 20. 1857

Received on board Oct. 22. 1857

Harper Maker, been 13 months
in the Service,

Advance \$27.27
Small Store

\$27.27

OTHER

15

William Coleman by his
next friend David Wilson

✓
Capt Adams - of the U. S.
Ship Ontario —

Habeas Corpus -

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

To Captain Adams, Commander of the United States
receiving Ship Ontario Greeting -

You are hereby enjoined Com manded to
be and appear before the Honorable U.S.
Death Judge of the United States in and for
the Maryland District, on Tuesday morning
at the Clerk's Office in the Masonic Hall, in the City of Baltimore
the 28 October 1851 at 10 o'clock, and that

you then and there have with you the body of William
Coleman now in your custody, and that you certify and
make known the day and Cause of the Capture and detention
of the said William Coleman, and that you then and there
do submit to and receive whatsoever 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 U.S. Death Judge of our said District Court
the first Tuesday in September in the year of our Lord one
thousand eight hundred and fifty one.

Given 27 Octo 1851

Thos Spiero Ck,
Dist Ct

William Coleman the person named above, is detained
as a regularly enlisted Seaman in the Naval Service
of the United States

So answered.

Spiero

Aa bear Coopers
Wm Codrings Jr
Jr

Filed 30 Oct 1851

Octo 29. 1857. Charlotte Jones, being
duly sworn deposes that and saith
the Petitioner is her son & was born on
the 10th day of February 1832. that she is
positive as to the time of his birth
That she had not knowledge of his
shipment or intention to enlist
or ship. That her first knowledge
of the fact of his enlistment or ship-
ment was derived from information
given her by her elder son
on the Wednesday after the Peti-
tioner's shipment. That she never autho-
rized or consented to his shipping
or enlisting in the Service of the
United States or any other Service
whatsoever. & His name is registered
in the family Bible in his father's
hand writing - she would have
brought it in had she thought it
necessary. She can produce it.
She is positive of the Month and
year of his birth, but does not
think she could so exactly re-
membered the day of the Month
had it not been for the reference
to the Bible.

Mary Lewis - duly sworn has known
the Petitioner from Colchester for the
last thirteen years - she knows not
the time of his birth except as she
has heard it. has no knowledge
of any consent to

Octo 29th 1857 Charlotte Jones after
her examination had been reduced
to writing and the other witnesses
examined; stated that the true
name of the Petitioner is William
Coddling - that she desired to men-
tion this fact but was afraid
that she would be doing wrong
by so doing. That William Coddling
is his true name.

Case postponed until the 30th of
Sep October 1857 at 10 O'clock AM
Leave to amend Petition
W. S. Heath

Octo 30th 1857. Bible produced with proof
that the entry had been made
about seven years ago by the present
husband of the witness from a paper
apparently an ancient one
& proved to have been made ^{to be} and
on the hand writing of the Boy's
Father who died as it is proved
thirteen years ago.

~~W. S. Heath~~
The Act of Congress only authorizes the
enlistment of Boys with the Consent of
their Parents or Guardians; and then
only between the ages of thirteen & fifteen
years - I am satisfied that the Boy is under
twenty one & not within the age prescribed
by the Statute 13 & 18 - but is now nearly
20 and that there was no consent of
his only remaining parent - he is there-
fore on both grounds entitled to his
discharge and I must pronounce
yet as he has practiced a gross fraud

on the recruiting officers by represent-
ing himself as over twenty one
years of age, and swearing to it.
I will not discharge him, except
upon the repayment of the advance
recently made to him - so recently
as to render it probable that he
still has the money in his possession
and delivery up of any clothing
with which he may have been
furnished by the officers.

It is therefore ordered that to the
Petitioner be that he is hereby dischar-
ged from the service of the United
States, upon the repayment by
him of the money advanced and
the delivery up of any clothing
he may have received from
their officers.

W. M. Heath
D. J. Judge

Wm Coleman

Oct 20th 1851

known and subscribed to before

he is about to sign for entering himself in the Naval Service of the United States
engagement with any person or persons employed to effect by which the contract
that he is not an intended apprentice to any person and that he is not under any
obligation of any kind, and that he is not more than twenty-one years of age

and made oath on the Holy

we the subscribers, a Justice of the Peace for said city, solemnly subscribed

the 20th day of October 1851 before

On this

State of Maryland, Baltimore City, to wit:

State of Maryland, Baltimore City, to wit:

On this *20th* day of *Oct*, 1851, before me the subscriber, a Justice of the Peace in and for said city, personally appeared *William Coleman* and made oath on the Holy Evangelist of Almighty God, that he is now more than twenty-one years of age—that he is not an indented apprentice to any person—and that he is not under any engagement with any person or persons calculated to effect prejudicially the contract he is about to sign for entering himself in the Naval Service of the United States.

Sworn and subscribed to before

Wm Carroll

Mr. Spicer, will issue the writ of
Habeas ~~corpus~~ Corpus, in the name
of David Wilson as the next friend
of Wm Colman and make it
returnable tomorrow morning
at 10 o'clock A.M. at the office
Oct 27 - 1837
U.S. District