them against Sureties & pledges until &c. Wherefore the said Henry says that he is injured and hath sustained damage to the value of five hundred pounds &c therefore he brings his suit &c.

John Doe } Pledges for the
Richd Roe } prosecution

W H W. Attr for plaintiff.

And thereupon the parties aforesaid by their Attornies aforesaid file in Court here the following agreement to wit

Henry Stevenson
vs
Nicholas Ridgely

Replevin. Baltimore County Court

It is agreed by the parties in this cause that the defendant plead property, that with leave to give all special matter in evidence.

Thos B Dorsey for Deft
Wm H Winder for Pltff

And the said Nicholas Ridgely by his attorney aforesaid defends the force and injury when and so forth, and saith that the said Henry Stevenson his action aforesaid against him to have & maintain ought not because he saith that the said twelve hogsheads of Tobacco in the declaration aforesaid mentioned at the time when and so forth were the property of him the said Nicholas Ridgely without this that they were at that time when and so forth, the property of the said Henry Stevenson, as he hath alledged and this he is ready to verify. Wherefore he prays Judgment of the said Henry Stevenson, his action aforesaid against him to have & maintain ought and so forth, and that a return of the said Tobacco may be adjudged to him the said Nicholas Ridgely and so forth. And the said Henry Stevenson by his Attorney aforesaid saith that he by any thing in the said plea of the said Nicholas Ridgely alledged from having and maintaining his action aforesaid to be precluded ought not because he saith that the property of the said twelve hogsheads of Tobacco at the time of taking the said Tobacco was in him the said Henry Stevenson in manner and form as he by his declaration aforesaid above thereof hath alledged, and this he prays may be enquired of by the Country, and the said Nicholas Ridgely in like manner and so forth. Whereupon for the trying the issue aforesaid it is ordered by the Court here that twenty persons from the pannel of Jurors returned to the court here by the Sheriff of the County aforesaid be drawn by ballot according to the Act of Assembly in such case made and provided; and thereupon the twenty persons being so drawn by ballot and

written upon two lists, one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists the remaining twelve persons being called come that is to say Hans Crewey, Samuel Howard, Peter Deffenderffer, John Oliver, Levins Clarkson, John Brewitt, Arnold Richardson, William Cochran Levi Hollingsworth, Thomas C Jenkins, Edward Jones and Matthias Rich who being impannelled and sworn to say the truth in the premises upon their oath do say that the property of the Tobacco within mentioned at the within written time of the taking thereof was in him the said Nicholas Ridgely as the said Nicholas within by pleading hath alledged, therefore it is considered by the Court here, that the said Henry Stevenson take nothing by his writ aforesaid, but that he be in mercy and so forth, and that the said Nicholas Ridgely go thereof without day, and it is further considered by the court here that the said Nicholas Ridgely have a return of the said twelve hogsheads of Tobacco to be delivered to him forever irreplevisable and so forth, and also that the said Nicholas Ridgely recover against the said Henry Stevenson the sum of fourteen dollars and forty three cents for his costs and charges by him about his defence in this behalf sustained, and that he have thereof execution and so forth.

Memorandum before the Juror aforesaid withdrew from the bar of the court here the said Henry Stevenson by his Attorney aforesaid tendered to the court here his bill of Exceptions which was by the Court here signed and sealed and is in form following to wit

Henry Stevenson
vs
Nicholas Ridgely

At the trial of this cause the plaintiff in order to prove the issues joined on his part offered evidence to the Jury that the plaintiff was the Inspector of a public Tobacco Ware House established at Fells point in Baltimore County and that while acting in that capacity twelve hogsheads of Tobacco were deposited at the said Ware House for which after being inspected twelve several notes were issued by him to the persons who lodged the said Tobacco as will appear by the said notes hereunto annexed the plaintiff further offered evidence that the holders of the said notes presented them to the said Inspector and demanded a delivery of the said Tobacco mentioned therein that the said Inspector delivered to the said holders other Tobacco by mistake than that mentioned in the said notes and which were accepted by them in mistake without any objection on their part that the Tobacco so delivered was different from that they were entitled to receive, and upon the delivery of the said