Whereupon the said James Hopewell by his Attorney aforesaid prays an Appeal from the Judgment aforesaid so as aforesaid rendered to the States High Court of Appeals and the same is granted on giving Security according to Act of Assembly And thereupon the said James Hopewell by his said Attorney filed in Court here the following State of the Case to wit.

Negroes Frank, George and Isaac Against James Hopewell } The Petitioners to shew themselves entitled to Freedom produced to the Court the following Will of William Cole.

In the Name of God, Amen the seventh day of February 1732. I William Cole of Saint Mary's County in the province of Maryland being very sick and weak in Body but of perfect Mind and Memory do make this my last Will and Testament in manner and form as followeth. Imprimis I give and bequeath unto my dear beloved Wife Elizabeth Cole all my Lands and Tenements Hereditaments during her natural Life. Item I give to Elizabeth my Wife all my Negroes viz. Sam, Moll, Tom, Sarah, Job and their Increase during her natural Life and also my moveable Estate for ever and after her decease I leave all my above named Negroes free and for themselves and also all my Lands after her death I leave to be equally divided amongst them. Item I give unto Susanna Langley Daughter of John Langley my Negroe Woman Judee and her Increase for ever I likewise constitute make and ordain my loving Wife Elizabeth Cole my sole Executor of this my last Will and Testament all and singular my Lands Messuages and Tenements by her freely to be possessed and I do hereby utterly disallow revoke and disannul all and every other former Testaments Wills and Legacies bequests and Executors ratifying and confirming this and no other to be my last Will and Testament In Witness whereof I have hereto set my Hand and Seal the day and year above written.

Signed Sealed and delivered in presence of us } Wm his C mark Cole

Thos. x Pain
William x Basset
John Langley.

March 31st 1733. Then came Thomas Pain, William Basset and John Langley the three subscribing Witnesses to the foregoing Will and made Oath on the Holy Evangelists of Almighty God that they saw the Testator William Cole sign and seal heard him publish and declare the same as his last Will and Testament and that at the time of his so doing he was to the best of their knowledge and Apprehension of sound and disposing Mind and Memory and that they the aforesaid Thomas Pain, William Basset and John Langley as Witnesses did subscribe the aforesaid Will in the presence of the said Testator

Sworn to before me

The deceased's Widow stands to the Will } Thos. Disquitto Depy Comr of St. Mary's Co.

Registr. Seal } In Testimony that the aforegoing is a true Copy from the Records of Wills of the State of Maryland I have hereto set my Hand and affixed the Seal of Office this twelfth day of October seventeen hundred and seventy nine

Elie Vallette Regr. Records

And also shewed by the Admission of the Defendants Counsil that the Negroes Nan and Frank or Frances two of the petitioners are the Children of Negroe Moll in the said Will mentioned born in the life time of Elizabeth Cole the Devisee and after the death of the said William Cole in the said Will mentioned which said Elizabeth Cole survived the said William Cole the Testator and that all the Petitioners are Descendants from the said Negroes Nan and Frank or Frances and that the said Negroes have been held in Slavery from the time of their Births respectively.

The Defendant produced to the Court the following Transcript from the Records of Saint Mary's County.

Know all Men by these presents that I William Cole of Saint Mary's County in the province of Maryland for the great Love and Affection which I bear to my Wife Elizabeth hath given and do by these presents give freely to my said Wife Elizabeth one Negroe named Sam one Negroe Woman named Moll one Negroe named Tom one Negroe named Sarah and all other my Goods and Chattels which I have may or ought to have to the said Elizabeth her heirs and Assigns for ever And have and do deliver the Negroe Woman named Moll in the Name of the whole Witness my Hand and Seal this second day of November 1732. likewise I give one other Negroe Woman named Judee before signing and Sealing this

Signed sealed and delivered and the said Negroe Moll delivered in the Name of the whole contained in this Gift in the presence of } William Cole (seal)

John Langley
William Johnson

Enrolled November 16. 1732. Pr J. Brooke Cl.

(The Seal of St. Mary's Co.) In Testimony that the above is a true Copy taken from Liber T.T. No. 1. folio 40 one of Saint Mary's County Land Record Books. I have hereunto set my Hand and affixed the Public Seal of the County aforesaid this twenty fourth day of April Anroque Dominie 1780.

Timothy Bowes Clk Saint Mary's County

And also shewed the following Depositions taken under Rule of the General Court and consent of parties on Notice.

The Deposition of James Chizum aged seventy Years or thereabouts being sworn on the Holy Evangelists of Almighty God deposeth and sayeth that he well knew a certain William Cole that lived in Saint Mary's County that his Wife's Name was Elizabeth and that he had the following Negroes at the time that he died Viz. Sam, Moll, Tom, Sarah, this Deponent further sayeth that there was no other William Cole in the County that he ever heard off.

Test. Robert Watts

his James Z Chizum mark

The Deposition of Martha Chizum aged seventy three Years or thereabouts being sworn on the Holy Evangelists of Almighty God deposeth and sayeth that she well knew a certain William Cole that he lived in Saint Mary's County that he has been dead as well as she can remember about seven or eight and forty Years that she imagines from his Appearance he was between forty and fifty Years of Age that his Wife's Name was Elizabeth that