the impetrating the Original Writ of him the said Harryman therein and this he is ready to verify wherefore he prays Judgment if the said Harryman his Action aforesaid against him ought to have or maintain And that return of the said Negroes to him may be Adjudged together with his Costs &c.

And the same Charles Harryman as to the second plea of him the said John Deaver above pleaded saith that he by any thing in the said second plea alledged from having his Action aforesaid to be precluded ought not because he saith that the property of the said Negro Slaves called Joe and Margaret at the time of taking the said Negroes was in him the said Charles Harryman in manner and form as he by his Declaration aforesaid above thereof hath Alledged and this he prays may be inquired of by the Country and the aforesaid John Deaver in like manner and so forth. And the same Charles Harryman as to the third plea of him the said John Deaver above pleaded saith that he by any thing in the said third plea alledged from having his Action aforesaid to be precluded ought not because he saith that he the said Charles Harryman his Writ aforesaid against him the said John Deaver did impetrate on the twenty fourth day of October in the Year of our Lord seventeen hundred and seventy eight and that the Cause of Action aforesaid did first Accrue within three Years next before the day of issuing the Writ aforesaid to wit at Baltimore County aforesaid and this he prays may be inquired of by the Country &c And the aforesaid John Deaver in like manner and so forth

Whereupon Command is given to the Sheriff of Baltimore County to wit Henry Stevenson Gentleman that he immediately cause to come here Twelve good and lawful Men of his Bailiwick by whom and so forth, who neither and so forth, to recognize and so forth, because as well and so forth.

And the said Sheriff returns here that he hath here twelve good and lawful Men of his Bailiwick as by the precept aforesaid he was commanded, which said Jury being called also comes and are as follows Viz^t, Samuel Wright Waters, Joshua Owings, Mesheck Baker, Christopher Randall, Joshua Hurd, Christian Reimer, John Myers, James Collins, Jacob Dawson, Samuel Morrison, Michael Gore, and William Harvey, who being elected Tried and sworn to speak the truth in the premisses.

The Defendant offered Evidence that the Ancestors of the Negroes in the declaration mentioned were the property of the Defendants Wife antecedent to her Marriage with Edmund Talbott her first Husband and Alledged that she was at the time of said Marriage out of possession of the same and that they were not during the Marriage reduced into the possession or disposed of by the said Talbott.

Whereupon the Plaintiff in order to prove that Edmund Talbott the first Husband to the Defendants Wife had actually disposed of the Ancestors of said Negroes during her Marriage as his property acquired by his Intermarriage offered to prove by the Oath of a certain Moses McCubbin that he the said McCubbin soon after Talbotts Marriage saw said Talbott who at that time informed him that the said Talbott was paid the whole of his Wifes Estate And that he said McCubbin further said that said Talbott had then a Negro in his possession which he knew to have been part of Jonas Robinsons Estate father of the defendants Wife and which Talbott informed him he had received from a certain Thomas Sligh the Guardian of his Wife and afterwards that Talbott further informed him said McCubbin that he had returned the said Negro and sold it to the said Thomas Sligh under whom the present Plaintiff claims the Negroes in the Declaration mentioned as Issue of said Negroes.

To this Evidence the Defendant by his Counsel prayed the direction and Opinion of the Court that any Declarations and Confessions of the said Talbott should not be admitted in Evidence against the present defendant with regard to the Negroes aforesaid which he claims as belonging to his Wife Antecedent to her Marriage with the said Talbott, the Defendant not making title to them by through or under Talbott.

And the Court were of Opinion that such declarations and Confessions ought to be admitted as Evidence to the Jury and directed accordingly.

To which Opinion the Defendant objected and prayed the benefit of Exception agreeable to the form of the Statute in such Case made and provided.

And that the Justices of this Court would set their Seals thereto. And thereupon James Calhoun, Peter Shepherd, and George Lindenberger Justices of the Court aforesaid did severally set their Seals thereto according to the form of the Statute aforesaid

And the said Jury upon their Oath do say as to the first Issue that the said John Deaver did take the Negroes Joe and Margaret in the declaration mentioned as alledged by the said Charles Harryman. And the said Jury do further say as to the second Issue that the said Negroes were at the time of the taking as aforesaid the property of the said Charles Harryman as is by him alledged And further the said Jury do say as to the third Issue that the cause of Action of the said Charles Harryman did accrue within three Years next before the day of the impetration thereof. And the said Jury do assess the damage of him the said Charles Harryman to Five hundred pounds.

Whereupon on the prayer of the said Charles Harryman by his Attorney aforesaid that Judgment on the Verdict aforesaid for him be rendered It is considered by the Court now here that the said John Deaver return unto the said Charles Harryman the Negroes Joe and Margaret aforesaid And it is also considered by the Court now here that the said Charles Harryman recover against the said John Deaver his Damages by occasion of the premises by the Jury aforesaid in form aforesaid Assest to Five hundred pounds Current Money of Maryland as Also Two hundred and twenty five pounds sixteen shillings and five pence for his Costs and Charges by him about his Suit in that part laid out and expended to the said Charles Harryman by the Court now here by his Assent adjudged and the said John Deaver in Mercy and so forth

And the said John Deaver by his Attorney aforesaid prays leave to Appeal from the Judgment aforesaid so as aforesaid against him rendered to the Honourable the Justices of the General Court to be held at Annapolis the second Tuesday in May next And to him it is granted. Upon which the following Bond is filed Viz^t

Know all Men by these presents that We John Deaver, Mark Alexander and Job Garrettson all of Baltimore County and State of Maryland are held and firmly bound unto Charles Harryman in the Just and full Sum of Two thousand pounds current Money to be paid to the said Charles Harryman his certain Attorney Heirs Executors Administrators and Assigns for which payment well and truly to be made and done We bind ourselves and every of our Heirs Executors and Administrators jointly and severally firmly by these presents Sealed with our Seals and dated this 6th day of March 1780.

Now the Condition of the above Obligation is such that if the above bound John Deaver shall in the Appeal made to the next General Court to be held for the Western Shore of the State of Maryland at the City of Annapolis from the present Baltimore County November Court in a cause there depending between him the said John Deaver defendant and suit of Charles Harryman plaintiff appear and prosecute the same Appeal with Effect and also shall make return of the same Negroes in the Replevin named and satisfy and pay unto the said Charles Harryman his Heirs Executors Administrators or Assigns in Case the Judgment shall be entered against him as well all and singular the Damages and Costs adjudged against him by the said Baltimore County Court as also all Costs and Damages that shall be Awarded by the said General Court in the Cause aforesaid then the said Obligation to be Void else to be and remain in full force and Virtue in Law.

Signed Sealed and delivered in presence of
Chas. Reilly

John Deaver (seal)
Mark Alexander (seal)
Job Garrettson (seal)

(Baltimore County Seal)

In Testimony whereof I have hereunto set my hand and Seal of Office this twentieth day of April seventeen hundred and Eighty

William Gibson Clk Ballo Co