And now here at this day to wit, the fourth Monday in August in the year of our Lord one thousand seven hundred and ninety two cometh again the parties aforesaid by their attorneys aforesaid - And Whereupon the said John Donaldson by Robert Smith his attorney complains that the said Joseph Williams on the first day of September in the year seventeen hundred and ninety in the County aforesaid in a certain place there called Slubeys Wharf took the said Eighteen Cannon twelve pounders the property of him the said John Donnaldson and unjustly detained the same surety and pledges unto and Soforth. Wherefore he the said John Donnaldson saith he is the worse and hath damage to the value of Three hundred pounds current money of Maryland and thereupon he brings suit and Soforth.

R. Smith pro. Pltf. Pledges &c. John Doe & Richard Roe

And the said Joseph by Zebulon Hollingsworth his attorney comes and defends the force and injury when and soforth. and the said Joseph says that he did not take the said Cannon as the said John hath by his said Declaration above supposed and of this he puts himself upon the Country and soforth. And the said Joseph by leave of the Court here first had and obtained according to the Statute in such case made and provided comes and further defends the force and injury when and soforth - and says that at the time of the taking the Cannon aforesaid above supposed to be the property of the said Cannon was in the said Joseph Williams without that that the property of the Cannon aforesaid at the time of the taking of them was in the said John Donaldson as by his writ and Declaration aforesaid above thereof supposes and this he is ready to verify wherefore he prayeth Judgment of the writ and declaration aforesaid, and a return of the Cannon aforesaid to be to him adjudged and soforth. - Zebulon Hollingsworth for Defe.

And the said John as to the first plea of the said Joseph putteth himself upon the Country thereof in like manner - And the said John as to the second plea of the said Joseph above pleaded saith that he by any thing by the said Joseph in his second plea alledged from having and maintaining his action aforesaid thereof against him the said John to be precluded ought not because he saith that the property of the said eighteen Cannon twelve pounders aforesaid at the time aforesaid of taking them was in him the same John in manner and form as he by his writ and Declaration aforesaid above hath alledged to wit, at Baltimore County aforesaid and this he prays

may

may be enquired of by the Country and defendant in like manner and soforth - R. Smith Pro. Pltf.

Whereupon command is given to the Sheriff of Baltimore County that he immediately cause to come here twelve good and lawful men of his bailiwick - who neither and soforth, to recognize and soforth, because as well and soforth. which said Sheriff maketh return that he hath here twelve good and Lawful - men of his bailiwick who and soforth as he was commanded which said Jury being called come and are as follows Viz. Richard Carson, William Copeland Goldsmith, John Hellen, William Hawkins, John Farmer, David Poe, John Laypole, James M'Cannon, Benjamin Griffith, Job Smith, Ballzer Shafer, and Philip Rogers And now at the trial of this cause before the Jurors aforesaid so as aforesaid sworn to try the issues aforesaid the Plaintiff by his Counsil offered to the Court to be sworn to the said Jury, Hercules Courtenay who was appointed Trustee by a decree of the Chancery Court to sell and dispose of the real estate of a certain William Neall deceased and who in the prosecution of the said Trust sold a certain Wharf to Nicholas Slubey under whom the defendant claim his interest in the said Cannons in which said Wharf there was buried the said Cannons and which said Cannons were excepted at the said sale of the said Wharf the Defendant by his Counsil prayed the Opinion of the Court that the said Hercules Court was not a Competent Witness to be sworn to the said Jurors to prove the said facts but the Court were of Opinion that the said Witness was Competent to prove the said facts and directed him to be sworn to the said Jury to which said Opinion the defendant by his Counsil prays leave to except and renders this his Bill of Exceptions and prays that the Court according to the form of the Statute in such case made and provided would thereto affix their hands and seals Jos.^{h} Seney (Seal)

Wm. Russell (Seal)

Who being duly elected tried and sworn to say the truth in the premises upon their oath do say that the said Joseph Williams did take the Cannon in the Declaration of the said John Donaldson mentioned in manner and form as the said John Donaldson therein complains. And the said Jury do further say that the property of the said Cannon at the time of taking them was in the said John Donaldson in manner and form as he by his writ and Declaration aforesaid above thereof hath alledged - And they do assess the Damages of the said John Donaldson

by