Digges and William Hamilton on the part of the Petitioner and the said Matthew Ball and John Brice on the part of the Defendant, other Juror being called come, that is to say, John Welch; Whereupon the said John Welch is sworn upon the Jury: And because a sufficient number of Jurors not being present to complete the said Panel; therefore others of the by standers be the Sheriff of the County of Anne arundel are summoned, who being called certain of them come that is to say, Robert Duvall, Nicholas Brewer and Clement Richards, Whereupon one of them, that is to say, the said Nicholas Brewer is sworn upon the Jury; and because the rest of the said Jurors so appearing being, according to the act of Assembly in such case provided, challenged by the parties that is to say the said Robert Duvall and Clement Richards on the part of the said Defendants other Jurors of the by standers so summoned by the Sheriff aforesaid being called come, that is to say, William Alexander, and Philemon Brown, and because the said Jurors so appearing being according to the act of Assembly in such case provided, challenged by the parties, that is to say, the said William Alexander on the part of the Defendant and the said Philemon Brown on the part of the Petitioner, other Jurors of the by standers so summoned by the Sheriff aforesaid being called come, that is to say, Ezekiel Gott and Richard Dorsey; Whereupon one of them, that is to say, the said Richard Dorsey is sworn upon that Jury; and because the other Juror so appearing being challenged according to the act of Assembly aforesaid on the part of the Petitioner, another Juror of the by standers so summoned by the Sheriff aforesaid being called comes, that is to say, John Munroe Whereupon it being objected on the part of the Defendant to the said John Munroe being sworn on the Jury alleging that he does not stand indifferent between the parties to this issue; thereupon the said John Partridge and Charles Baker the two first of the Juror herein before impannelled are sworn to try whether the said John Munroe stands indifferent between the parties to this issue, who having retired from the bar of the Court here, afterwards return and on their oath do say that the said John Munroe does stand indifferent between the parties to this issue: and because the said John Munroe being challenged according to the act of Assembly aforesaid on the part of the Defendant another Juror of the by standers so summoned by the Sheriff aforesaid being called comes, that is to say, Richard Machubin; Whereupon the said Richard Machubin is sworn upon that Jury which said Nicholas Brewer Richard Dorsey and Richard Machubin so summoned by the Sheriff aforesaid from among the by standers elected at the request of the parties and by command of the Court here are added to the Panel whose names to the Panel aforesaid are annexed according to the form of the Statute in such case made and provided and the Juror so added together with the other Jurors aforesaid before impannelled being elected, tried and sworn to say the truth in the premises above contained, do on their oath say, that the Petitioner Charles Mahoney is the son of Nelly who was the daughter of Mr Carroll's Sue, who

was the daughter of Mr Digges's Sue, who was the daughter of a Black Woman named Joyce formerly held and claimed by Colonel Henry Darnall; That the said Henry Darnall departed this life in the year seventeen hundred and eleven; and that the said Joyce from whom the Petitioner is descended was for many years held and claimed by the said Henry Darnall as his Slave and died in his possession or in the possession of his Representatives at the Woodyard in Prince georges County; but at what precise period she departed this life is to the Jurors aforesaid unknown, The Jurors aforesaid further say that the issue of the said Joyce and their discendants were and have been always held and claimed as Slaves by the said Henry Darnall and those claiming under him and they do not find that either the said Joyce in her life time or any of her Children ever claimed the right of freedom; And the Jurors aforesaid further say that the said Joyce came into this Country with Charles Lord Baltimore son of Cecilius Lord Baltimore from England between the year sixteen hundred and seventy six and the fifteenth of February sixteen hundred and seventy nine; and if upon the whole matter aforesaid the Court shall be of opinion that the Petitioner is entitled to Freedom then the Jurors aforesaid find the issue in this cause for the Petitioner; but if the Court upon the matter aforesaid shall be of opinion that the Petitioner is not entitled to freedom then the Jurors aforesaid find the Issue aforesaid for the Defendant.

Memorandum Before the Jurors aforesaid withdrew from the Bar of the Court here the Defendant by his attornies aforesaid filed in Court here the following Bill of Exception, to wit;

Charles Mahoney
vs
John Ashton

The Petitioner to support the Issue on his part offered, to read the deposition of Henry Davis which deposition was agreed to be read in evidence except in the parts objected to

The Counsel for the Defendant objected to the reading of part of the said Davis's deposition, to wit, in these words "and he (meaning the said Henry Davis) has heard his Uncle David Davis (who is deceased) say that it was the report of the neighbourhood that if she (meaning Joice) had justice done her she ought to have been free and this he has heard sundry times from his Uncle when talking the matter over" the same being incompetent and improper to be read to the Jury, But the Court over ruled the said objection and determined that the aforesaid part of the said deposition should be read to the Jury which was done accordingly, To which opinion of the Court the defendant by his Counsel prayed leave to except and that this his Bill of Exceptions may be signed sealed and enrolled pursuant to the Statute in that case made and provided which is done accordingly, Jeremiah Townley Chase (seal)

But because the Court here, are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid, befor the Court here until the second Tuesday of May next, to hear their Judgment of and upon the premises, because the Court now here thereof are not yet advised &c.

At which said second Tuesday of May being the eighth day of the same month in the year of our Lord one thousand