and Patrick Mahoney the petitioners

John Johnson for Pet.

John T. Mason for Deft.

And the said John Ashton by Luther Martin his attorney comes and defends the force and injury when &c. and says that the said Charles Mahoney is the proper slave of him the said John Ashton without that that the said Charles is a free man and of free condition and this he is ready to verify wherefore he prays Judgment if the said Charles his action aforesaid to have or maintain ought &c. And the said Charles Mahoney by John Johnson his attorney says that he by any thing by the said John Ashton in his plea above pleaded from having his action aforesaid against him ought to be precluded because he says that he the said Charles is a free man and of free condition and this he prays may be enquired of by the Country and the said John Ashton in like manner and so forth Therefore let a Jury thereon appear before the Judges of the Court here immediately by whom and so forth and who neither and so forth to recognize and so forth because as well and so forth thereupon the Honourable Gabriel Duvall one of the Judges of the Court here withdraws from the bench having been former Counsel for the aforesaid Charles Mahoney the Petitioner and the Jurors of the Jury whereof mention is above made being called come that is to say Thomas Hodgkin Thomas Barber William D Taylor James Lawrence John Patridge Henry McPherson Charles Baker John Love Samuel Coats Joseph Harwood Jacob Bayer and Thomas Blackiston whereupon certain of them that is to say John Patridge Charles Barber John Love and Samuel Coats are sworn upon that Jury and because the rest of the said Jurors so appearing being according to the act of Assembly in such case made and provided

challenged by the parties that is to say the said Thomas Hodgkin Thomas Barber William D. Taylor James Lawrence Henry McPherson and Thomas Blackiston on the part of the petitioner and the said Joseph Harwood and Jacob Bayer on the part of the defendant other Jurors being called come that is to say Joseph Howard Stephen Jones Richard Ley Watts William Shaw George Bradford Edward Burgess Junior John Trueman and Soloman Sparrow whereupon certain of them that is to say Joseph Howard Stephen Jones George Bradford and Edward Burgess Junior are 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 Solomon Sparrow on the part of the petitioner and the said Richard Ley Watts William Shaw and John Trueman on the part of the defendant other Jurors being called come that is to say George Digges William Hamilton Mathew Ball and John Brice and because the said Jurors so appearing being in like manner challenged by the parties that is to say the said George Digges and William Hamilton on the part of the petitioner and the said Mathew 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 by 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