nathan Hammond 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 William Cox on the part of the defendant and the said Patrick Sim James Neale James allestow and Henry Waughop on the part of the petitioner other jurors being called come that is to say abraham Haff Kendall Nicholas Tice Martin Kreps and Samuel Elliott whereupon certain of them that is to say Abraham Haff James Kendall and nicholas Tice are sworn upon the jury and because the rest of the said jurors so appearing according to the act of assembly in such case provided challenged that is to say the said Martin Kreps and Samuel Elliott on the part of the defendant other jurors being called come that is to say John Perry and John Jacob Bugh 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 John Perry on the part of the petitioner and the said John Jacob Bugh on the part of the defendant other jurors being called come that is to say William Hamilton Smith and William Alleany who are sworn upon the jury who to speak the truth in the premises upon their oath do say that the aforesaid Charles mahoney is a free man and of free condition as he hath by his replication aforesaid above alledged being descended from a free woman named Anne Joyce in manner and form as he the said Charles mahoney in his said petition to the Court here preferred as aforesaid hath also complained Therefore it is adjudged by the Court here that the aforesaid Charles mahoney the Petitioner aforesaid be hence freed and discharged of and from the

service of the said reverend John ashton and that he the aforesaid Charles mahoney the petitioner aforesaid go thereof without day &c. It is also considered by the Court here that the aforesaid Charles mahoney the petitioner aforesaid recover against the said Reverend John ashton the sum of one hundred and fifty nine dollars and quantity of eight thousand nine hundred and twenty nine pounds of Tobacco by the Court here unto him the aforesaid Charles mahoney the petitioner aforesaid on his agreement adjudged for his costs and charges by him about his prosecution of the petition aforesaid in this behalf laid out and expended and that he have thereof his Execution against the said Reverend John ashton &c. Memorandum the Honorable Gabriel Duvall Esquire withdrew from the bench at and during the trial of this cause and before the jurors aforesaid withdrew from the bar of the Court here the parties aforesaid plaintiff and defendant by their attornies aforesaid filed in Court here the following bills of Exceptions to wit

Charles Mahoney against John Ashton.

In the trial of this cause the plaintiff by his Counsel to support the issue on his part produced and offered to read in Evidence to the jury the deposition of Anne Hurdle taken by consent on the twenty eighth day of may seventeen hundred and ninety seven but the Counsel for and on behalf of the Defendant objected to the following part being read in Evidence to the jury to wit that the said just so they served Ann Joyces family that by all accounts they are in confinement now and they ought to have been free long ago. as containing in the declaration of opinions as to a right and not a declaration as to any