

Maryland, Saint Marys County Court.

Be it remembered that on this sixth day of February in the year of our Lord, one thousand eight hundred and twenty eight personally appears before me the subscriber one of the Justices of the peace of the State of Maryland for Saint Marys County aforesaid Philip Greenwell of the County aforesaid of lawful age, and makes Oath on the Holy Evangelij of Almighty God that previous to the British fleet going up the Patuxent, from whence the troops disembarked for Washington City, and packing off that City, a certain Negro man called off. went to the British, and now returned; - that this negro called off took the name of Theophilus Tabbs after a certain Theophilus Tabbs of the County aforesaid, that he, the said negro was the slave of a certain Francis Abell of the County aforesaid, raised in the family of this deponent and the said Abell who was all boys together; <sup>to the best of his knowledge.</sup> and further this deponent saith not.

Sworn before

(W. J. Meador)

Saint Marys County Court

I hereby certify that it appears by the records and proceedings of Saint Marys County Court, that William T. Shaddox Esquire who appears to have taken and signed Deposition of Philip Greenwell was at the time thereof and shall is one of the Justices of the Peace of the State of Maryland for Saint Marys County aforesaid duly commissioned and sworn and that to all his acts or deeds, due faith and credit is and ought to be given as well in Court of Justice as otherwise

In Testimony whereof I have hereunto set my hand and affixed the seal of my office this sixth day of February Eighteen hundred and twenty eight

J. B. Harris Cln  
Saint Marys County Court

Fancy Akela

Proof & power of attorney

The claim of Francis Abel for one slave named  
Theophilus Tobby

is supported by the evidence of Philip Greenwell as to the deportation and  
the time thereof. The name of this slave is not to be found on any of the  
British <sup>or printed</sup> documents and therefore stands upon the ground of general  
presumption in favour of the contention for in pursuing the claim of J. R. Plater.  
One further remark occurs; The time of deportation being the gist of the  
question in all this class of cases; If the claimant <sup>is</sup> ~~is~~ <sup>required to prove the time will be</sup> ~~not~~ <sup>required to do</sup>  
that which, in the nature of things, is ~~not~~ almost impossible for him to do?  
If on the contrary the British Government ~~is~~ <sup>is</sup> required to do the same it is  
not perfectly manifest that the proof is or was perfectly in her power and,  
if lost, lost by her own fault? Their registers could have proved it and,  
if their registers were lost, mutilated or destroyed; still their officers could  
have done it. Is it not a just and practical Rule of evidence as  
well as an established one; that when the whole evidence, is manifestly  
in the power of one party and not else in the power of the other, for  
very slight evidence, amounting to a light presumption, to be taken conclusively

against the person in whose favour the evidence is able to be given, if he  
omit or refuse to furnish it? Thus I lose my neighbour my horse and he ride  
him 2 or 300 miles and return and alledge that the horse had died on the Road  
and that 203 persons that he knew saw the horse die but refuse to name or describe  
the witnesses. In a suit which I should bring against him for the value of the horse  
would not my proof of his possession of my horse ensure my recovery unless he  
showed proof the death of the horse and the manner of that death?

76: Arkton for Plaintiff

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H. C. L. 11/11/11

Saint Marys County and State of Maryland.

Personally appeared before me the Subscriber a Justice of the Peace for the county of said Francis Ashell of the county and State aforesaid and being duly sworn on the Holy Evangelists depose the and saith That in the year Eighteen Hundred and fourteen some time in the Month June a Negro Man named Theophilus the property of this deponent was taken on board of the British fleet then lying in the waters of the Patuxent River within the limits of the State of Maryland <sup>Thomas the deponent has been sold named</sup> ~~then under the command of Captain~~ <sup>the</sup> Dragon that the age and valuation unsworn are truly and justly stated to the best of his knowledge sworn to this fifteenth day of October 1821 before me -  
Negro slave Theophilus aged twenty four <sup>years</sup> valued at \$-500-00-

H. G. May

At the same time the Subscriber being called on by the said Francis Ashell to appraise and value the aforesaid Negro Man Theophilus after being duly sworn on the Holy Evangelists being perfectly disinterested and no way related to or connected with the said Francis Ashell upon our oaths do appraise and value the said Negro Man Theophilus to be worth the sum of \$500-00- at the time he was taken away by the British fleet whilst in the Patuxent River during the late war between Great Britain and the United States of America sworn to the day and year above stated before me a Justice of the Peace for the county of aforesaid

Test. H. G. May

Lewis Greenwell of the  
Philip Greenwell  
Appraiser

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Saint Mary's County Court

I hereby Certify that Henry G. Key ~~Senior~~ ~~of the~~ Gentleman before whom the within affidavits were made and whose name appears therein signed was at the time thereof ~~and~~ is one of the Justices of the Peace of the State of Maryland for Saint Mary's County of and duly commissioned and qualified -

In testimony whereof I have hereunto set my hand and affixed the seal of my office this tenth day of November Eighteen hundred and twenty one.

J. Harris Clk  
St. Mary's Co.

Exp.

Slaves

Abell, Francis - St. Mary's Co. Md.

15 Oct. 1821  
no. 14 Nov. "

~~Recd 14 Oct~~

Nov. 24 - \$500 +

617

Francis Abel

1 Slave

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21 May 1828 - Allow for  
one slave @ \$280  
Int: reserved

14<sup>th</sup> Mar: 1828

Taking proved. "