

Herstons is the daughter of the said Charles  
Herstons and the grand daughter of said J.  
Spigg whereupon the Defendant prayed the  
Opinion of the Court to the jury That if they  
find from the evidence that the petitioner  
was in possession of Charles Herstons aforesaid  
and that whilst he was so in possession Thomas  
Spigg aforesaid the master of the petitioner  
verbally (as proved by the said Herstons)  
gave the petitioner to Maria Herstons  
aforesaid the daughter of the said Charles  
Herstons then an infant of three or four  
years old and then and there left the peti-  
tioner in possession of the said Charles  
Herstons for the use of the said Maria  
and that the said Charles Herstons kept pos-  
session of the said petitioner for the benefit of  
the said Maria That then the said verbal  
gift was sufficient to transfer the property  
in the petitioner to the said Maria Herstons  
without any express delivery other than above  
stated which Opinion the Court refused to  
give To which refusal and Opinion of the  
Court the Defendant prayed liberty to except