as a witness in this cause whose mother was a black woman to swearing which said Richard Shorter the Defendant objected It was then proved to the Court by the evidence of Richard Brooke esquire that the said Richard Shorter was sworn as a witness in a cause in the Court for Frederick County in a cause of Nelly Shorter against Jason Phillips a white christian man The record of which cause was also produced by which it appeared that the said Richard was sworn in the said cause on the part of the said Nelly Shorter the said Brooke also swore to the Court that the mother of the said Richard Shorter was a black woman but that she was free as having been one of the Shorter family who had claimed their freedom and obtained it on the ground of their being descended from a white woman The said Brooke also proved that Richard Shorter was at liberty and free and that it was generally reputed that he was descended from the said Shorter family and from a free white ancestor on the female side The petitioner also produced to the Court the following certificate

The Petitioner also produced the Docket entries./

D. Richard Shorter } November Term 1795.
v. Impstro. } petition for freedom
M. Thomas Spigg } Trial Verdict for the peti-
tioner that he is free. Judgment on verdict
. December./ The original petition of the said Richard Shorter was then searched for by the Clerk of the Court but could not be found being either lost or mislaid of which no record was made The Defendant objected to the said Richard Shorter being sworn