Witness John Campbell Henry, Chief Justice of the Orphans' Court of Dorchester County, this 31st. day of October Anno Domini 1851.

Test. William W. Eccleston Register of Wills for Dorchester County.

Whereupon the writ of the State of Maryland of Subpoena issued as follows, to wit:

The State of Maryland To ——— Spencer of Baltimore County, Greeting: We Command and enjoin you, that (Seal) all excuses set aside you be in your person before the Judge of Baltimore County Court at the Court House in said County, on the second Monday of September Instant, to Answer the petition of negro Dennis for freedom against you in the said Court exhibited. Hereof fail not as you will answer the contrary at your peril.

Witness the Honorable William Frick Chief Judge of our said Court, the first day of May, in the year of our Lord one thousand eight hundred and forty nine.

Issued the third day of September 1849.

(Teste.) A. W. Bradford Clk.

At which said second Monday of September Instant, to wit, in the year aforesaid being the return day of the foregoing Subpoena, come into the said Court here, the said negro Dennis by his Attorney aforesaid, and the Sheriff of Baltimore City aforesaid to whom the said Subpoena was in form aforesaid delivered to be served, made return thereof to the Court here, they endorsed, to wit: "Summoned, C. F. Cloud Shff." — And the said Perry Spencer being sufficiently warned, appeared in Court here by John Glenn Esquire his Attorney: Whereupon it is ordered by the Court here, on motion of the said negro Dennis by his said Attorney, that the said Perry Spencer Answer to the petition of him the said negro Dennis, within the ensuing fifteen days, or judgment by the Court here will be rendered against him in default thereof.

And thereupon the said parties, by their said Attorneys, file in said Petition, the following Case Stated, to wit:

Negro Dennis Varnish vs. Perry Spencer — In Baltimore County Court. Petition for Freedom.

It is admitted in this Case that the Petitioner was a slave for life of Samuel Brohawn of Dorchester County Md. That said Brohawn owning such slave, departed this life, having by his Will bequeathed as follows: (See Will of Samuel Brohawn on page 2. ante.)

That the petitioner was one of the slaves referred to in said Will and attained the age of thirty eight years on the 19th. of December 1845. and that the following Certificate of freedom was given to him.

United States of America, Maryland, Dorchester County, to wit:

I hereby Certify to all manner of persons whom it doth or may Concern that a certain Negro Man Called Dennis was set (free)

free by the last Will and testament of Samuel Brohawn, late of Dorchester County deceased, to be free at the age of thirty eight years, provided he leave the State of Maryland and do not return there to reside in the course of thirty days after his arrival at the said age) as by the said Will dated the 19th. of October in the year eighteen hundred and thirty one and proved the 26th. of same month and enrolled among the records of my office in the County aforesaid. and I being satisfied that the person now applying for a Certificate is the same person mentioned in the Will aforesaid, and that he has attained thirty eight years of age, and was raised by Samuel Brohawn of the County aforesaid, have accordingly granted this Certificate, he is thirty Eight years five feet and full eight inches high, a bright Mulattoe, with no notable scars but numerous moles in his face, and rings in his ears as described in pass book.

(Seal) In Testimony whereof I have hereto set my name and seal of my office affixed this 19th. day of December 1845.

Thos. H. Hicks Regr. W. D. C.

That in the division of said Brohawn's Estate, the said negro was allotted to Mrs. Brohawn, the widow of said Samuel Brohawn now the wife of Defendant. That after said negro had attained the age of thirty Eight years, he was permitted to go at large, and act as a free man until taken by Defendant upon the first day of August 1849. and that he was notified, as is stated in the annexed affidavit, all of which is to be taken as part of this Statement, (to wit)

Samuel Brohawn deposes and says that he is the son of Mrs. Spencer by her first husband. last February or first March Mr. Spencer sent for negro Dennis now in jail & said to him if he did not give security or leave the State he Spencer would sell him, as he Dennis had stayed longer than the Will allowed, that if he would leave the State he would let him go free — that Dennis made no Answer as he remembers — Witness also told him the same thing about three months ago — he said he was going to give security but never did it. — Dennis has a wife but no children as he recollects. the Conversation with Dennis by both Mr. Spencer & Witness was in the City.

Admitted to be read as Evidence.

J. G. W. Teackle for Pet.

That said Dennis never has left the State of Maryland, and never offered to leave it. The Court are at liberty to draw inference of fact as a Jury might. If upon the aforegoing Statement the Court shall be of Opinion that said negro is free judgment to be entered for Plaintiff. If otherwise Judgment for Defendant.

J. G. W. Teackle Atty for Pet.

J. Glenn for Deft.

Whereupon all and singular the premises, between the parties aforesaid by the Court here being seen heard and fully understood, and mature deliberation thereupon had, for that it appears to the Court here that the said (negro)