Seney Sheriff of Queen Anns County for the time being, that he had summoned the aforesaid Andrew Foster Leverton to appear and answer according to the exigence of the same Summons — And thereupon at the same Court came ~~[illegible]~~ the aforesaid Andrew Foster Leverton by James Tilghman his Attorney agreeable to the said summons Thereupon day is given aswell to the said Negro Adam as the said Andrew Foster Leverton by their Attorneys aforesaid to hear their Allegations and Evidence aswell on the part and behalf of the said Negro Adam as the the said Andrew Foster Leverton of and upon the premises aforesaid, until the second Tuesday of September next following —

At which day; to wit, the second Tuesday of September, Anno Domini One thousand seven hundred and eighty nine comes again aswell the said Negro Adam by his Attorney aforesaid, as the said Andrew Foster Leverton by his Attorney aforesaid Whereupon all and singular the premises aforesaid and the Allegations and Evidence aswell on the part and behalf of the said Negro Adam as the said Andrew Foster Leverton being by the Court here soon heard fully understood and mature deliberation thereupon had It is considered by the Court here that the Petition be dismissed and that the said Negro Adam return to the service of Andrew Foster Leverton his Master again —

Test James Earle Clk

And the said Negro Adam by his Attorney aforesaid prays that he may Appeal from the Judgement aforesaid of the Court here to the State High Court of Appeals and to him the same is granted by the Judges here; And it is ordered by the Judges aforesaid that the Record and Proceedings aforesaid together with ale proceedings relating to the same be transmitted to the High Court of Appeals and that the Judges of the said Court may further proceed therein as to Justice Appertains and so forth —

Test James Earle Clk

And be it remembered that the following State of the Case was filed of Record at the Trial of the above Cause —

Negro Adam
vs.
Andrew Foster Leverton } Petition for freedom.

This Case is submitted to the Court on the following State of Facts —

John Costin the late proprietor of Negro Adam in March fourteen hundred and eighty four, made his Will a copy whereof is hereto annexed as part of the Case and shortly after died; That Elizabeth Costin his Widow and Executrix proved the said Will and took upon himself the burthen of the Execution thereof, as by taking Letters Testamentary and proceeding to the settlement of the Estate — That the said Elizabeth Costin shortly after moved to Wilmington in the Delaware State to wit in seventeen hundred and eighty five and carried with her ~~her~~ Negro Adam the Petitioner, that the said Elizabeth Costin shortly after her removal to Wilmington intermarried with a certain Joseph Tomlinson of Wilmington in said State where she has continued to reside ever since her first removal; that she before her marriage aforesaid kept the said Negro Adam in the State of Delaware for the space of One year and nine Months in the whole, after which the said Tomlinson and Wife brought the said Negro Adam to Maryland to reside and remain in said State and hired the said Negro Adam with the Farm (devised in the said Will) of said Tomlinson and Wife to said Andrew Foster Leverton for and during the year seventeen hundred and eighty eight; and also during the year seventeen hundred and eighty nine where he still is, That the Estate of the said John Costin is not yet settled, that Taxes have been paid in this State regularly for the said Adam during his twenty one Months residence in Delaware and still are, that the personal Estate of said John Costin is not sufficient to pay all his Debts; but his real and personal Estate fully sufficient.

Robert Wright pro. Petitioner

J. Tilghman for Joseph Tomlinson & Wife Exr. of John Costin who claim as Exr. for A. F. Leverton —

And the following Will of Jno Costin Referred to, in the aforegoing Case as being annexed thereto