Sim, James Neale, James Alston, Henry Waughop, Samuel Judson Coolidge and Nathan Hammond, whereupon certain of them, that is to say, Samuel Judson Coolidge and Nathan Hammond are sworn upon the Jury; and because the rest of the said Jurors so appearing being, according to the Act of Assembly in such case provided, Challenged by the parties, that is to say; the said William Coe on the part of the Defendant, and the said Patrick Sim, James Neale, James Alston and Henry Waughop on the part of the petitioner, other Jurors being called come, that is to say, Abraham Haff, James Kendall, Nicholas Tice, Martin Kreps and Samuel Elliott, Whereupon certain of them, that is to say, Abraham Haff, James Kendall, and Nicholas Tice are sworn upon the Jury; and because the rest of the said Jurors so appearing being, according to the Act of Assembly in such case provided, Challenged that is to say, the said Martin Kreps, and Samuel Elliott on the part of the Defendant; other Jurors being called come, that is to say; John Perry and John Jacob Bugh, and because the said Jurors so appearing being, according to the Act of Assembly in such case provided; challenged by the parties, that is to say; the said John Perry on the part of the Petitioner, and the said John Jacob Bugh on the part of the Defendant, other Jurors being called come that is to say, William Hamilton Smith, and William Killeany are sworn upon the Jury, who to speak the truth in the premisses, upon their Oath do say; that the aforesaid Charles Mahoney is a free Man and of free Condition as he hath by his Replication aforesaid above alledged, being descended from a free Woman named Anne Joyce in manner and form as he the said Charles Mahoney in his said Petition to the Court here referred as aforesaid hath also complained

111

Therefore it is adjudged by the Court here, that the aforesaid Charles Mahoney the petitioner aforesaid be hence freed and discharged of and from the service of the said Reverend John Ashton, and that he the aforesaid Charles Mahoney the petitioner aforesaid go thereof without day &c. It is also considered by the Court here that the aforesaid Charles Mahoney the petitioner aforesaid recover against the said Reverend John Ashton the sum of ~~one hundred~~ and fifty nine Dollars and quantity of Eight thousand ~~four~~ nine hundred and ~~twenty one~~ twenty nine pounds of Tobacco by the Court here unto him the aforesaid Charles Mahoney the petitioner aforesaid on his account adjudged for his costs and charges by him about his prosecution of the Petition aforesaid in this behalf laid out and expended, And that he have thereof his Execution against the said Reverend John Ashton &c.

Memorandum. The Honorable Gabriel Duvall Esquire withdrew from the Bench at and during the Trial of this Cause, and before the Jurors aforesaid withdrew from the Bar of the Court here, the parties aforesaid Plaintiff, and Defendant by their Attornies aforesaid filed in Court here, the following Bills of Exceptions, to wit.

Charles Mahoney
vs.
John Ashton.

In the Trial of this Cause the Plaintiff by his Counsel to support the Issue on his part produced and offered to read in Evidence to the Jury the deposition of Anne Hurdle taken by Consent on the twenty eighth day of May seventeen hundred and ninety seven, the Counsel for and on behalf of the Defendant objected to the following part being

"and from the Courts of Common Law within this Province" at the next Court of Appeals and prosecute the same with effect and also satisfy and pay to the said Charles Mahoney his Executors Administrators or Assigns in case the said Judgment shall be affirmed as well all and singular the damages and Costs adjudged by the General Court aforesaid as also all Costs and damages that shall be awarded by the Court of Appeals aforesaid then the said Bond to be and remain in full force and virtue otherwise of no effect

Signed Sealed and delivered in the presence of Mary Wallace

John Ashton (seal)
Cha. Wallace (seal)
Jno. Muir (seal)

Thereupon it is Ordered by the Court here, that a Record of the proceedings aforesaid between the parties aforesaid together with all things thereunto relating be transmitted to the State of Maryland's High Court of Appeals; and they are transmitted accordingly

Test John Gwinn, Clk.

The State of Maryland, Set.

I hereby certify that the aforegoing is a true Copy taken from the Proceedings of the General Court of the Western Shore of the said State.

In Testimony whereof, to this Exemplification (the same being first duly stamped) I have hereunto set my hand and affixed the Seal of the said General Court, this fifth day of June in the Year of our Lord one thousand seven hundred and ninety nine; And in the Twenty third Year of the Independence of the United States of America.

John Gwinn Clerk, General Court
Western Shore State of Mryld