a new trial and admitting the Verdict in Evidence the Defendant there is deprived of the benefit of his Exception, and he is liable to be affected by the Verdict that may possibly in some measure have been influenced by the Evidence excepted to —

4th Exception — As to this Exception the Court are of opinion that the General Court were right in their direction to the Jury — It is merely stated that Ann Joice was in England and came from thence, without shewing her Condition previous to the Period alluded to, whereby it doth not appear that she was ever held or claimed as a Slave at any time, and it might be that she was a White Woman or Native of England; presumption when admitted being in favour of freedom — In deciding this Exception the Court do not think themselves at liberty to travel out of the Exception, or Notice any fact not therein stated. —

5th Exception — Upon the fifth ~~exceptions~~ Exception this Court disagree with the General Court — It is in that Exception stated, "that Ann Joice a Negro Woman was carried with her Owner Lord Baltimore claiming her as a Slave, from the Island of Barbadoes to England, and afterwards brought into this Country by him claiming her as a Slave between the years 1678 and 1681. — And that she during her life was held and treated as a Slave, and that her Issue have been held as Slaves ever since" — It is not stated that her Case was ever before a British or any other Tribunal, or had received a judicial decision —

Great industry hath been used and great ability displayed by the Counsel in the Argument of this Cause — The Decision involving on the one hand the question of Freedom or Slavery to the Plaintiff below, and on the other great pecuniary interests to persons claiming Negroes under similar Circumstances, demanded it —

The Court have felt the importance of the Subject and given it there most Serious consideration — If this Case was before a British Court it would seem that the Question should be decided according to the British Law

212 Folios