Known Mrs Edmonds the Defendant about three years. And that she had Known Mrs Edmonds to visit her Sister the said Deborah Waring two or three times within that period & that in an illness Miss Waring had about a year before her death Miss Edmonds had attended her. Mrs Edmonds coming down to see her from her residence in Baltimore. That she had not Known any of the other brothers & Sisters or relations of Miss D. Waring even to visit her during her life - She saw her brother (the present plaintiff) at her funeral - that she had often heard Miss D. Waring speak of her Sister Mrs Edmonds affectionately said she had been a mother to her & she was almost a Stranger to her other relations & at her death she wished her Sister to have all her property. That in her last illness seeming conscious of her condition Miss D. Waring sent for Witness Mrs Martha Beall to her sick room & then said Cousin Martha I have three Servants I wish them given to my sister Rebecca (Mrs Edmonds) & the note I hold of Washington Beall's. I wish also given to her every thing that I have - Cousin Martha I wish you to see that she gets them - Louisa who is about ten years of age was in the room - She pointed to her & said you will see that my Sister has her.

Miss E. Johns upon further examination said that in the same illness she had heard Miss Deborah Waring say I have given my sister Mrs Edmonds all my property, that Louisa at that time was in the room & she pointed to her - the other negroes were small children four or five years old & at one of Mrs Beall's quarters. she requested Mrs Mary Beall at her death to deliver them to her sister Mrs Edmonds & tried to impress on her mind that such was her wish. Mrs Mary Beall promised she would do so at the risk of her life. Mrs Mary Beall delivered the negroes after Miss D. Warings death to Mrs Edmonds who carried them to Baltimore. The Defendant then proved by Mrs Martha Beall that she was with Miss D. Waring about six weeks during her last illness during which time for several weeks & until her death her sister Mrs Edmonds was in attendance upon her I heard her say that she had given her sister the note of Washington Beall the three negroes named in these issues & all the other things she owned. She pointed to the Girl Louisa who was in the room She requested me to see that she (her sister) had this property. - She said I have given the note to my sister Mrs Edmonds & I asked Mrs Edmonds where the Note was. She answered She had it. The reason I asked this question was I was afraid that miss Waring would die before delivering it. She had requested Mrs Mary Beall to deliver the negroes up to her sister after her death who promised to do so & did after the death of Miss Waring deliver them to Mrs Edmonds who carried them with her to Baltimore I never saw the note of Washington Beall

This conversation took place about 10 O'clock in the morning & she Miss D. Waring about the same time that night. The Defendant also proved by Dr Sheehy that he had been the attending Physician of Miss D. Waring for about three years that he attended her in her last illness & that she was perfectly conscious of her situation - that about a week or ten days before her death he thought it his duty to apprise Miss Waring of her approaching end & suggest to her that she should be making some disposition of her property by will and he would write it for her. She answered you know Dr I cannot use my hand it is paralyzed I could not write my name. She then asked him if she could not give her Sister Mrs Rebecca Edmonds her property in the presence of Witnesses. I answered Yes. She then said I have given my Sister (Mrs Edmonds) my three negroes Mrs Edmonds was then in the room & the negro girl Louisa, and Miss Deborah Waring told Louisa there is your Mistress pointing to Mrs Edmonds you must be a good girl & obedient to her. - She sent for Mrs Mary Beall & requested her after her death to deliver the negroes to Mrs Edmonds which Mrs Beall promised her she would do. Miss Waring was perfectly rational, she was much attached to her Sister Mrs Edmonds who was very attentive to her in sickness. I never saw any of her other connections there during her life. At her funeral I saw her Brother. - Miss D. Waring did not specify the time at which she had given the said negroes to her Sister

Upon the aforegoing evidence the Plaintiff by his Counsel prayed the Court to instruct the Jury as follows to wit:

(T. F. Bowie Counsel for the plaintiff made the following prayer)

"That unless the Jury find from the evidence that the note of Washington Beall referred to in the foregoing Evidence and mentioned in the 2nd and 5th Issues was payable to bearer or payable to the order of the said Deborah Waring and by her indorsed, and was delivered to the said Mrs Edmonds by the said D. Waring in her lifetime, that their verdict must be for the plaintiff on the 2nd and 5th Issue"

But the Court refused to give the instructions as prayed by the plaintiff and upon motion of the Defendants Counsel instructed the Jury as follows.

First. "That if they believe the evidence hereinbefore stated as detailed by Dr Sheehy then that said evidence was sufficient to warrant them in finding a verdict for the Defendant upon the third issue (as to Louisa)

Second. "That if the Jury find from the evidence that negroes Maria and Emmeline were during the last illness of Miss Waring at one of the quarters of Mrs Mary Beall, and that Miss D. Waring during that ~~last~~ illness and in expectation of death gave the said negroes by parol to her Sister Mrs Edmonds and requested Mrs Mary Beall to deliver them, or see that they were delivered up to her said Sister, upon her (Miss D.