Warings) death. and that Mrs Mary Beall promised so to do. that said Evidence is sufficient to authorize them to infer that Miss D. Waring constituted Mrs Mary Beall her agent and trustee for Mrs R. Edmonds for the consummation of such pard gift by delivering to her said sister Mrs Edmonds, and after her (miss D. Warings) death the said negroes. and if they so find and further find that in conformity with such request and promise. Mrs Mary Beall after the death of Miss D. Waring delivered the said negroes to Mrs Edmonds who took possession of them away, then they must find a verdict for the Defendant upon the 4th Issue.

Thirdly. That if the Jury find from the evidence that Miss D. Waring before her death and in expectation thereof had given the note specified in the issues unto the possession of her sister Mrs Edmonds and that it remained in the possession of Mrs Edmonds until after the death of the said D. Waring then there is sufficient evidence from which to infer all things necessary to make such delivery valid as a donatio mortis causâ and if they so infer then they must find a verdict for the Defendant upon the fifth Issue.

Fourth. That if the Jury find from the Evidence that the negroes in question were at Mrs Mary Beall's or quarters and that Miss D. Waring in her last illness had in expectation of Death made a parol gift of them to her Sister Mrs Edmonds, and constituted the said Mrs Mary Beall her agent and trustee for Mrs Edmonds to deliver them after her (Miss D. Warings) death to her sai d sister and that Mrs Beall did so deliver them, and that Mrs Edmonds took possession of them, then they must find a verdict for the Defendant upon the third and fourth issues

Fifth. That if the Jury upon the Evidence detailed in the third and fourth instructions find for the Defendant upon the said third fourth and fifth issues then upon the evidence so contained if believed by them they must find a verdict for the Defendant upon the first issue.

To which said refusal by the Court to grant the said prayers of the plaintiffs, and to the granting of each and every of the said Defendants prayers by the Court, the Plaintiff by his counsel excepted and prayed the Court to sign and seal this his Bill of Exceptions which is accordingly done this 14th day of April 1857

Peter W. Crain (Seal)"

And thereupon the said Thomas Waring admor as aforesaid by his Attornies aforesaid, prays an appeal from the Judgment aforesaid of the Court here so as aforesaid rendered, to the Court of Appeals of the State of Maryland to be held at the City of Annapolis & to him it is granted by the Court here.

Whereupon it is ordered by the Court here that a record of the proceedings aforesaid with all things thereunto relating

be transmitted to the said Court of appeals to be held at the City aforesaid and the same is transmitted accordingly.

Test. Chas S. Middleton Clk

State of Maryland Prince Georges County Sct.

I hereby certify that the aforegoing is truly taken & copied from the record & proceedings of the Circuit Court for Prince Georges County.

In Testimony whereof I have hereunto set my hand and affixed the seal of the Circuit Court for Prince Georges County this 15th day of July Eighteen hundred and Fifty Seven.

Chas S. Middleton Clk of the Circuit Court for Prince Georges County.