wife and Isaack Eaton to make partition between
them according to the forme of the Statute thereof provided
and notwithstanding the same could not find the same land and
premisses within the said Shire whereupon the said Peter Benton and
his wife and Isaack Eaton petition. Whereupon the said
Court made Order according to the forme of the Statute in the Lat
Case appointed and provided Namely and accordingly upon it
not being found done and against the forme of the
Statute aforesaid as he doth and his Ancestors are ready to
verifie wherefore for that the Writ aforesaid in forme
aforesaid is Vicious and defective and Contrary to the
ancient Judgment of that Writ &c. — Whereupon all and
singular the premisses being by the Court here heard
and fully understood and matured deliberation thereupon
had for that it seemeth by Court that the Writ aforesaid
aforesaid is not Vicious as the said pleas alleged in bar
aforesaid — Therefore It is Considered by the Court
here that the said Peter Benton and Comfort his wife and
Isaack Eaton and the said Stephen Eaton of the Land
and premisses aforesaid with its appurtenances &c. and the said
Peter Benton and Comfort his wife and the said Isaac Eaton
in Mercy &c. — And thereupon Command is Given to the
Sheriff of Kendrick County that taking with him Twelve
good and lawfull Men of the Neighbourhood by whome the
truth of the Matter may be the better known in his proper
person do go upon the Land and premisses aforesaid with its
appurtenances and seizen by their Bailiff in the presence
of the parties aforesaid or with him lawfull summoned if they shall
fitt to be present the same Land and premisses aforesaid with its
appurtenances by the Oaths of the same Twelve good and
lawfull men with the Inquest had before him upon
oath of the said Land and premisses aforesaid with its appurtenances to be
divided that is to say to the said Peter Benton and Comfort
his wife Dower in the Life of the said Comfort one third
part of the said Land and premisses with its appurtenances and
to the said Isaac Eaton one fourth part of the Reversion of
the said Land and premisses with its appurtenances and to the said
Stephen Eaton the Reversion of the fourth
part of the said Land and premisses with its appurtenances after
the death of the said
Comfort Dower and fourth part of the said four hundred and
fifty Acres of Land and premisses with its appurtenances to the said Isaac
Eaton and the same seizen and the three fourths Reversion of
the said four hundred Acres of Land and premisses with its appurtenances
to the said Stephen Eaton and his Heirs for ever to Hold to them
in Fee and Fee Tail according and assigned the Court for that Willi
the said Peter Benton and Comfort his wife nor the said Isaac Eaton
and Stephen Eaton Mary had more of the said Land and
premisses with its appurtenances than it belongs to them to have

and

and that the said Peter Benton and Comfort his wife of their
proportion of the said Land and premisses with its appurtenances
belonging to them and the said Isaac Eaton of his proportion of the
said Land and premisses with its appurtenances and the said
the said Stephen Eaton of his proportion of the said Land and
premisses with the appurtenances and Tenants to him belonging
aforesaid shall enjoy and make improvement to their own
proper advantage, and that the rest the portion of him Joseph
and assigned made by the said Mary the mother of the said Comfort
under his Hand and Seale, and the Lease of which by whose Lease
he made the same partition, and that we have then the said Land
of which by which Lease he made the same partition &c. —
The same Day is given the parties aforesaid

On this Bill Joseph Benton alias his wife } Maryland ss. Joseph Benton
Joseph Benton Mary his wife } of Talbot County Planter and
Mary his wife being summoned
to answer unto the Governor
& alias his wife of Talbot where the
whereas the said Joseph Benton and Mary his
wife heretofore by indenture bearing date twenty
five days & an hatch are of Land called Bonds Lands
on Hoplank River in Talbot County with the appurtenances which
was the Land of Samuel Harmer the father of the said
alias and Mary whereof he died seized and the said Land and
premisses and with the appurtenances the said Joseph and
Mary his wife partition thereof between them to be made
according to the Laws and Customs of the Kingdome of Great
Britain Do Gantay and Comfort permit that the same
done &c. —
And thereupon the said Governor and alias his wife of
Thomas Bordley their attorney they that witness the said Joseph
alias his wife and Stephen Benton and Mary his wife
together and individed held the said two hundred twenty five
Acres and an hatch and of Land with the appurtenances and
that unto the said Joseph and alias on the Right of the said
alias belonging and Mary in right of the same Mary belonging
same Joseph and Mary in fee of the Lifetime of the said
the other Moiety thereof to them in Fee Tail to the that the
same Joseph and alias the Moiety to the same alias and
of the Land aforesaid with the appurtenances happening and
the same Joseph and Mary of the other Moiety thereof
to the same Mary happening Joseph may
approximate thereunto the same Joseph and Mary parts
thereof between them to be made according to the Laws and
Customs of the Kingdome of Great Britain Gantay and
Comfort permit not the same done wherefore
they say they and the worse and have damage to the
value of one hundred pounds and therefore they pray the
judgment &c. — Gwe Dedge Esq.
Writ &c.
and the said Joseph Benton and Mary his wife by
Richard Tilghman their attorney come and defend the
said