Vincent Baxter, John Baxter, Joseph Baxter, Sarah Baxter & Susannah Baxter all of whom are still living. Ruth Benton, the second sister of Mark Benton, married John Seney senr. of Queen Anns County, and departed this life long before Mark Benton, leaving the following sons to wit Joshua Seney Samuel Seney Horatio Seney, Jonathan Seney & Robert Seney. — Joshua Seney aforesd. the eldest son of Ruth Seney & the Nephew of Mark Benton aforesd. departed this life long before Mark Benton leaving three sons, to wit, John Seney, Joshua Seney & Robert Seney. — John Seney last aforesd. died since Mark Benton, leaving one son, to wit Joshua Seney the present Plaintiff, who is an infant under the age of twenty one years. — Joshua Seney & Robert Seney last aforesd. are still alive. Samuel Seney aforesd. the second son of Ruth Seney aforesd. and the Nephew of the aforesd. Mark Benton departed this life long before Mark Benton leaving three children Viz Jonathan Seney, Joshua Seney & Elizabeth Seney. — Jonathan Seney & Elizabeth Seney last aforesd. are still living. Joshua Seney last aforesd. was alive at Mark Bentons death but he has since died leaving two children to wit, — Horatio Seney, Jonathan Seney & Robert Seney aforesd. the sons of Ruth Seney aforesd. and the Nephews of Mark Benton aforesd. all died before Mark Benton intestate & without issue. Mary Benton aforesd. the youngest sister of Mark Benton married Charles Thomas formerly of Queen Anns County, but now of New Castle County in the State of Delaware and died long before Mark Benton aforesd. leaving one daughter Viz Mary Thomas. The said Mary Thomas married Charles Vanhekle and departed this life two or three years after Mark Benton leaving three children to wit, Charles T. Vanhekle, Lydia Vanhekle & Elizabeth Vanhekle, all of whom are still living. —

The Plaintiff Joshua Seney the infant son of the late John Seney claims a share of all & singular the lands & premises mentioned in the declaration aforesd. and if from the above facts the Court should be of Opinion, that the said Joshua Seney the Plaintiff is entitled to a share of the lands and tenements aforesd. that then the Court shall ascertain the said share, and Judgment shall be entered up accordingly for the plaintiff, but if the Court should be of Opinion that the Plaintiff is not entitled to any share of the lands and Tenements aforesd. that then Judgment shall be entered up for the Defendants.

John Goldsborough for pltff. Nr. Hammond for Deftts —

Thereupon further process of and upon the premises aforesaid by leave of the Court here and by Consent of the said parties & their Attornies aforesd. is further Continued until the third Monday of May next. — At which said third Monday of May next to wit, in the year Eighteen hundred and eighteen Come again into Court here the parties aforesd. by their Attornies aforesd. Whereupon all & singular the premises whereof the parties have put themselves on the Judgment of the Court, being by the Court here seen heard and fully understood & Mature deliberation being thereupon had, it appears to the Court here that the said John Denn Lessee as aforesaid is entitled to recover upon his title as stated in the said Agreement and statement of facts filed for the Opinion of the Court thereupon; Therefore it is Considered by the Court here, that the said John Denn Lessee as aforesaid recover against the said Alexander Maxwell Junior, Nicholas Loveday and George Palmer his term aforesaid, yet to come and unexpired of in & unto his undivided thirtieth part or share of the Messuage & Lot of land and premises in the declaration aforesaid Mentioned, with the appurtenances, and that he have thereof his possession against the said Alexander Maxwell Junior Nicholas Loveday and George Palmer &c. And it is also Considered by the Court here that the said John Denn Lessee as aforesaid recover against the said Alexander Maxwell Junior Nicholas Loveday & George Palmer the sum of Eleven Dollars & forty eight cents Current Money by the Court here unto him in his Assent adjudged for his Costs & charges by him about his suit in this behalf laid out and expended, and the said Alexander Maxwell Junior Nicholas Loveday and George Palmer in Mercy &c.

And thereupon the said Alexander Maxwell, Nicholas Loveday & George Palmer by their Attornies aforesaid pray an Appeal from the Judgment aforesaid so as aforesaid rendered to the Court of Appeals to be holden for the Eastern Shore of this State & it is

granted them. It is therefore Ordered by the said Court here that the Record & proceedings aforesaid in the plea aforesaid with all things thereunto relating be transmitted to the said Court of Appeals to be holden for the Eastern Shore of the said State and the same are transmitted to the said Court accordingly.

Test Jacob Loockerman Clk. —

And now come into the Court of Appeals here, as well the said John Denn Lessee of the said Joshua Seney by John Goldsborough Esquire his Attorney as the said Alexander Maxwell Junior Nicholas Loveday & George Palmer by Thomas James Buttell and Nicholas Hammond Esquires their Attornies, and the said Alexander Maxwell Junior Nicholas Loveday and George Palmer by their Attornies aforesaid, say that in the record of proceedings aforesaid, and also in the giving of judgment aforesaid there is manifest error in this, to wit, that by the record aforesaid it appears that the Judgment aforesaid in the plea aforesaid given was given for the said John Denn Lessee as aforesaid against the said Alexander Maxwell Junior, Nicholas Loveday and George Palmer, when by the law of the land that judgment ought to have been given for the said Alexander Maxwell Junior, Nicholas Loveday and George Palmer against the said John Denn Lessee as aforesaid, therefore in that there is Manifest error and they pray that the judgment aforesaid for that error, and others, being in the record of proceedings aforesaid, may be reversed, annulled and held entirely as void, and that they the said Alexander Maxwell Nicholas Loveday and George Palmer may be restored to all things which they have lost by occasion of the said judgment; and that the said John Denn Lessee as aforesaid may rejoin to the errors aforesaid &c. — And the said John Denn lessee as aforesaid by his Attorney aforesaid, says there is no error in the record of proceedings aforesaid nor in the giving of the judgment aforesaid, and he prays that the Court of Appeals here, will proceed to the examination as well of the record of proceedings aforesaid, as of the matters aforesaid by the said Alexander Maxwell Nicholas Loveday and George Palmer above for error assigned, and that the said judgment may be in all things affirmed &c. But because the Court of Appeals here are not advised what judgment to give of and upon the premises, day therefore is given to the parties aforesaid before the Court of Appeals here until the last Monday in November next, to hear judgment of the Court of Appeals here, of and upon the premises, for that the Court now here thereof are not advised &c. At which said last Monday in November, being the thirtieth day of the said Month in the year of Our Lord One thousand eight hundred and eighteen Come again into the Court of Appeals here, the parties aforesaid by their Attornies aforesaid; thereupon further process of and upon the premises, between the parties aforesaid, is by virtues of an Act of Assembly in such Case made and provided further Continued before the Court of Appeals until the first Monday in June next; the same day is given to the said parties, there then to hear the judgment of the Court of Appeals here of and upon the said premises &c. At which said first Monday in June being the seventh day of the said Month in the year of Our Lord One thousand eight hundred and Nineteen Come again into the Court of Appeals here the parties aforesaid by their Attornies aforesaid; but because the Court of Appeals here are not yet advised what judgment to give of and upon the premises, day therefore is further given to the said parties to hear thereof their judgement until the last Monday in November next for that the said Court here as yet are not &c. — At which said last Monday in November, being the twenty Ninth day of the said Month in the year of Our Lord One thousand eight hundred and nineteen Come again into the Court of Appeals here, the parties aforesaid by their Attornies aforesaid; thereupon further process of and upon the premises, between the parties aforesaid, is by virtue of an Act of Assembly in such Case made and provided further Continued before the Court of Appeals here until the first Monday in June next; the same day is given to the the Parties there then to hear the judgment of the Court of Appeals, of and upon the premises &c.

And now at this day, to wit; the said first Monday in June being the fifth day of the said month in the year of our Lord One thousand eight hundred and twenty, Come again into the Court of Appeals here the parties aforesaid, by their Attornies aforesaid. Whereupon, as well the record of proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid by the said Alexander Maxwell Junior Nicholas Loveday and George Palmer above for error assigned, being seen, and by the Court of Appeals here fully understood and mature