and the return day of the aforegoing warrant of Resurvey comes again into the County Court here as were the said John Doe lessee as aforesaid by his attorney aforesaid as the said Edward Tilghman by William Carmichael Esquire his attorney: and thereupon the said John Doe lessee as aforesaid by his attorney aforesaid and Edward Tilghman by his attorney present to and file in Kent County Court here the following Case stated to wit.

Benjamin V. Dulany & Eliza his wife and Maria H. Dangerfield Lessee
vs
Edward Tilghman

Ejectment nor and notice, Defendant warrant 4th Warrant issued -

It is agreed in this cause that a patent was regularly granted to Col. Henry Lowe, on the 10th April 1715 for the tract of Land called "Bennetts Lowe mentioned in the declaration; and that the said tract of land descended from the said Col. Henry Lowe to his son Nicholas Lowe; and from him with other large tracts of land, to his four sisters Susanna Maria the wife of Charles Diggs of Prince Georges County, Eliza the wife of Henry Darnall of Anne Arundell County Dorothy the wife of Francis Hall of Prince Georges County, and Mary the wife of Charles County - that the said Mary having died leaving her husband surviving her, and having also Mary, Eleanor and Martha Neal her daughters and heirs at law, on the 4th of June 1733 a Deed of partition was executed in due form of law, between the said Charles Diggs and Susanna Maria his wife, the said Henry Darnall and Eliza his wife, the said Francis Hall and Dorothy his wife, and the said Edward Neal in right of himself and the said Eleanor & Mary Neal, by which said Deed Bennetts Lowe was assigned and conveyed to the said Edward Neal for and during the term of his natural life, and from & after his decease to his daughters Mary and Eleanor in fee simple - It is further agreed that in the year 1747 Henry Rozier married Eleanor Neale aforesaid and that Nolly Young married the other daughter Mary; and that before the year 1759 a division was made between the said parties of the aforesaid tract of land called Bennetts Lowe, one moiety of which was held by the said Eleanor in severalty, down to the time of her intermarriage with the said Henry Rozier subject to the life estate of the said Edward Neale - that the said Henry & Eleanor Rozier, by their Deed of the 19th of September 1759 conveyed the same to the said Edward Neale in trust, as by the said Deed herein after inserted will appear - and that the said Henry Rozier from the time of the death of the said Edward Neale, which happened in December 1760, remained in possession thereof until he conveyed the same to his Grand daughter Eleanor Martha Rozier, as by her Deed of the 19th of March 1792, also herein after inserted will appear; and that the other moiety has been held by the said Mary and her heirs and assigns down to the present time - It is further agreed that the said Henry Rozier and Eleanor his wife, has issue the following children to wit, Nolly Rozier the eldest son, Henry, Edward & Thomas Whittenhall Rozier, and that on the 19th of September 1759 the said Henry Rozier & Eleanor his wife executed to the aforesaid Edward Neale the following Deed or instrument of writing in the following manner.

This Indenture made on the nineteenth day of September in the year

of our Lord one thousand seven hundred fifty and nine, between Henry Rozier of the province of Maryland and of Prince Georges County and Eleanor his wife of the one part, and Edward Neale of Queen Anns County of the other part, Witnesseth that the said Henry Rozier and Eleanor his part for and in consideration of the sum of five shillings sterling to him in hand paid by the said Edward Neale the receipt whereof they hereby acknowledge, have given granted bargained sold, assigned and set over, and by these presents do give grant bargain sell assign and set over unto him the said Edward Neale his heirs and assigns forever, all that tract or parcel of land called Aquansick and also all that other tract or parcel of land called Aquansick Enlarged, situate in Charles County aforesaid, contiguous and adjoining to the said first recited tract containing together one thousand one hundred and seven acres more or less. And also all that moiety or half part of a tract of land called and known by the name of Bennetts Lowe, containing in the whole fourteen hundred acres more or less situate lying and being in Kent County, on the Eastern Shore. To have and to hold the three several tracts of land aforesaid, with their and each of their appurtenances unto him the said Edward Neale his heirs and assigns forever, to the uses intent and purposes following that is to say, to the use and behoof of them the said Henry Rozier - for and during the term of twenty one years and after and upon the determination of the said term, all that tract or parcel of land called Aquansick enlarged with their and each of their appurtenances to be and inure to the use & behoof of Henry Rozier for to the aforesaid Henry Rozier and Eleanor Rozier his heirs and assigns forever, and all the half or moiety of the tract or parcel of land called Bennetts Lowe aforesaid to be and inure to Edward Rozier the third son of Henry Rozier and Eleanor Rozier aforesaid to him the said Edward Rozier his heirs and assigns forever. But in case of the death or demise of either the said Henry Rozier or of him the said Edward Rozier before the age of twenty one years then and in that case the land with the appertenances of him so dying first shall be and inure to Thomas Whittenhal Rozier the fourth son of the said Henry and Eleanor Rozier his heirs and assigns forever. And it is hereby concluded and covenanted and agreed upon by and between all the parties to these presents that for and during the lifetime of the said Henry Rozier all the rents profits and issues of the lands aforesaid shall be and inure to him the said Henry Rozier for and during the lifetime of the said Henry Rozier or his assigns, and after the decease of the said Henry Rozier, and for and during all the time of the minority of the aforesaid Edward and Henry Rozier all the rents issuing out of said lands shall yearly and every year be put out at interest as soon as the same shall become due or shall be received, and all the said rents and interest thereof shall be applied for and towards raising a portion for Thomas Whittenhall Rozier the youngest son of the said Henry & Eleanor Rozier and all the money and profits so as aforesaid raised during the minority or minorities aforesaid shall paid to him the said Thomas Whittenhall Rozier but if it should so happen that the sum of one thousand pounds current money should be raised out of the rents and interest aforesaid before the said Edward and Henry Rozier shall attain their several ages of twenty one years, then the rents and interest aforesaid, that is to say, such or so much of the said rents & interest as shall be raised after the sum of one thousand pounds shall be fully made up & compleated shall be equally divided between the said Edward and Henry their brother