The following is the statement of facts and muniments of title amicably agreed upon to be submitted (after argument) to the consideration of the Court. Firstly, this action is instituted by the plaintiffs who are children and heirs at law of Mary Henderson, deceased, to recover one undivided third part of all that Tract or parcel of land in Cecil County containing one hundred and sixty six acres and three fourths of an acre being part of a tract called Friendship and part of a tract called "Gift," which is described by metes and bounds courses and distances in the declaration, and also in a deed of Partition made and entered into on the seventh day of September in the year 1811, by and between William Hollingsworth, Mary Gilpin James Partridge and Hannah his wife Elizabeth Hollingsworth and Henry Hollingsworth, as heirs of Col. Henry Hollingsworth then deceased of the first part to Ann Hollingsworth, of the second part, which deed is marked Exhibit A. and filed as part of this statement to be here inserted. Col. Henry Hollingsworth, the Grandfather of the plaintiffs and on the part of whom the plaintiffs claim through their mother after making his Will died in the year 1803, seized in fee in his own right (and not in the right of either of his wives) of the said Tract of Land a part of which is sought to be recovered by the plaintiffs leaving at the time of his death the following children his heirs at law and no others, that is to say, William and Mary children by his first wife (Sarah) also Henry, Hannah, Elizabeth and Ann children by his second wife (Jane) a certified copy of the Will of Col. Hollingsworth is also filed as part of this statement marked Exhibit B. to be here inserted. In the year 1811 all the said children of Col. Hollingsworth (after dower was allotted out of the lands he died seized of to Jane, his widow) made a voluntary and equal partition according to the value amongst themselves by mutual deeds of the residue of their fathers lands which remained unsold by his executors who had discretionary powers by his will to sell and convey to purchasers certain portions of his lands as will appear from an examination of it.—

The Testator also devised all the rest and residue of his estate in every kind of property to be equally divided amongst all his children in equal shares and proportions to them and their heirs forever. In which partitions amongst his heirs so made as aforesaid one sixth part of said remaining lands being allotment number 5 was conveyed by said deed of Partition to Ann, in severalty as her share of her fathers lands. The deeds of Partition amongst the other heirs of Col. Hollingsworth for their respective portions of his real estate remain recorded amongst the Land Records of Cecil County and are to be used and referred to if deemed necessary by either party or the Court.—

Ann after receiving the said Deed of partition took possession of the lands mentioned in it, she married a certain Rev. John Tally, whom she survived and died herself in the month of March in the year 1850 a widow, intestate without issue and seized of the lands claimed in part by the plaintiffs leaving at her death a sister of the half blood namely the said Mary, also a sister of the whole blood the said Elizabeth and two nephews and two nieces, to wit: John Henry, Mary and Jane Partridge, children of Hannah a sister of the whole blood to Ann, which children of Hannah, survive their mother and are Defendants in this action.—

William Hollingsworth, the brother to Ann of the half blood after making partition as aforesaid of his fathers lands died before Ann in the year 1818

without issue.—

Mary the mother of the plaintiffs and sister to Ann of the half blood first married John Gilpin, deceased by whom she had the following children who remain her only heirs at law to wit, John, William H, Henry H, and Mary Gilpin (a feme sole) all living of full age. After the decease of her first husband Mary married Fusby Henderson, who she also survived and died (after Ann) on the 21st day of November in the year 1850 a widow and intestate leaving the above named children her heirs at law and no others, Hannah the sister of the whole blood to Ann married a certain James Partridge, whom she survived and died before Ann in the year 1844, leaving the aforesaid children, to wit: John, Henry, Mary and Jane Partridge, all living of full age and unmarried and who are defendants in this case and together with Elizabeth the other Defendant in adverse possession of the land claimed by the heirs of Mary. Elizabeth Hollingsworth, the remaining defendant and sister of the whole blood to Ann is living unmarried of full age and in possession jointly with the other Defendants of the lands whereof Ann, died seized. Henry Hollingsworth, brother to Ann of the whole blood died before Ann in the year 1840 intestate unmarried and without issue.—

If the Court should be of opinion that the claim of the plaintiffs is valid they will give a general judgment for them if invalid judgment for the Defendants.—

It is further agreed by the counsel that if the omission of any mutual fact or title paper is discovered it may be inserted in this statement by way of an amendment at any time before judgment, and the decision of the Court is earnestly — at the present term by both parties.—

Hy. Stump, Pltffs Atty.
John C. Groome, Atty for Defdts.
Otho Scott, Atty. for Defdts.

Exhibits A. & B. referred to in the aforegoing statement of facts are in form following, to wit:

Exhibit, A. This Indenture, made this seventh day of September in the year of our Lord one thousand eight hundred and eleven, by and between William Hollingsworth, Mary Gilpin, James Partridge and Hannah, his wife Elizabeth Hollingsworth and Henry Hollingsworth of the one part; and Ann Hollingsworth of the other part: Whereas the said William, Mary, James, and Hannah, Elizabeth, Ann and Henry, as heirs of Henry Hollingsworth, are seized in fee of a part of a tract of land in Cecil County called "Friendship" and a tract adjoining thereto called "Gift" and also sundry Lots and tenements in Elkton as tenants in common, and being so seized for their mutual interest and advantage after having assigned unto Jane Hollingsworth, certain parts thereof to be held by her during natural life as her lawful dower have agreed to make partition and division of the remaining part of their inheritance aforesaid. Now this Indenture witnesseth, that for the division of the lands aforesaid exclusive of what has been assigned for Dower as aforesaid it is covenanted, granted and agreed, by and between the said parties to these presents and the said William, Mary, James and Hannah, Elizabeth and Henry, each for him or herself and his or her heirs and assigns — So and each of them doth by these presents, covenant, grant,