wife and devise of the said Joseph in the said will to Elisha Osborn; the Defendant in this case prayed the Direction of the Court to the Jury that by the residuary Devise in the said Will all the Interest and Estate real and personal of the said Joseph Ward deceased not before disposed of passed to the wife and six children under the said devise and that no part of his land descended to the said Joseph Ward as his heir at law on the marriage of the said Anna Maria Ward and therefore the plaintiff ought not to recover but the Court were of opinion that the contingent Interest which the Testator had in the lands on the marriage of his widow did not pass by the residuary devise to her and his six children to which opinion the defendants Council prayed leave to except and that the Court would sign and seal this Bill of exception according to the Statute 24th July 1789

Edward Burgess (seal) Ant. Campbell (seal) Joseph Wilson (seal)
Richard Thompson (seal)

(Seal of Montgom. Co. Court) In testimony that the aforegoing is the tenor of the proceedings of Montgomery County Court in the plea aforesaid involved I have hereunto set my hand and affixed the seal of my office this thirteenth day of October anno Domini 1789

Brooke Beall Clk of Montgomery County Court

And now at this day comes into the General Court here as well the said Henry Oneall by Richard Potts and Baker Johnson his attornies as the said Joseph Ward by William Hammond Dorsey and John Mackall Gantt his attornies and thereupon on motion of the said Joseph Ward by his attornies aforesaid it is ruled by the Court here that the said Henry Oneall assign the errors in the record of proceedings of the Judgment aforesaid brought before the Court here for correcting the errors supposed to be therein or Judgment by the Court here will be entered against him in default thereof whereupon the aforesaid Henry Oneall by his attornies aforesaid prays that a day may be given him for the assignment of errors of and upon the record of proceedings of the Judgment aforesaid until the second Tuesday of May next and to him it is granted the same day is given to the said Joseph Ward also

At which said second Tuesday of May being the eleventh day of the said month in the year of our Lord one thousand seven hundred and ninety which said day was given to the said

Henry Oneall for the assignment of errors of and upon the Record and proceedings of the Judgment aforesaid comes again into the General Court here as well the aforesaid Henry Oneall by his attornies aforesaid as the said Joseph Ward by his attornies aforesaid; and the said Henry Oneall by his attornies aforesaid saith that in the record and 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 Joseph Ward against the said Henry Oneall when by the law of the land that Judgment ought to have been given for the said Henry Oneall against the said Joseph Ward therefore in that there is manifest error and he prays that the Judgment aforesaid for that error and others being in the record and proceedings aforesaid may be reversed, annulled and held entirely as void and that he the said Henry Oneall may be restored to all that he has lost by occasion of the said Judgment and that the said Joseph Ward may rejoin to the errors aforesaid &c and the said Joseph Ward by his attorney aforesaid by his attorney aforesaid says there is no error in the record and proceedings aforesaid or in the rendition of the Judgment aforesaid and prays likewise that the Court here may proceed to the examination as well of the record and proceedings aforesaid as of the matters aforesaid by the said Henry Oneall above for errors assigned and that the said Judgment may be in all things affirmed &c but because the Court here are not advised to give their Judgment of and upon the premises day therefore is given to the parties aforesaid before the Court here until the second Tuesday of October next to hear their Judgment of and upon the premises because the Court now here thereof are not yet advised &c

At which said second Tuesday of October being the twelfth day of the said month in the year of our Lord one thousand seven hundred and ninety comes again into the General Court here as well the said Henry Oneall by his attornies aforesaid as the said Joseph Ward by his attornies aforesaid; but because the Court here are not advised to give their Judgment of and upon the premises day therefore is further given to the parties aforesaid before the Court here until the second Tuesday of May next to hear their Judgment of and upon the premises because the Court now here thereof are not yet advised &c

At which said second Tuesday of May being the tenth day of the said month in the year of our Lord one thousand seven hundred and ninety one comes again into the General Court here as well the said Henry Oneall by his attornies aforesaid as the said Joseph Ward by his attornies aforesaid; but because the Court here are not yet advised to

give