from the Judgment aforesaid of the Court here to the State's High Court of appeals and to him the same is granted by the Judges here: And it is ordered by the Judges aforesaid that the Record and proceedings aforesaid together with all things relating to the same be transmitted to the high Court of appeals aforesaid that the Judges of the said Court may further proceed therein as to Justice appertains and reports, — And be it remembered that the following State of the case was filed of Record at the Trial of the above Cause,

Negro Adam against Andrew Foster Lecton } Petition for Freedom

This Cause is submitted to the Court on the following State of facts, John Cotten the Late proprietor of negro Adam in March seventeen hundred and eighty four, made his will a copy whereof is hereto annexed as part of the case and shortly after died That Elizabeth Cotten his widow and executrix proved the said will and took upon herself the Burthen of the Execution thereof by taking Letters Testamentary and proceeding to the settlement of the Estate That the said Elizabeth Cotten shortly after moved to Wilmington in the Delaware State to wit. in Seventeen hundred and eighty five, and carried with her negro Adam the Petitioner, that the said Elizabeth Cotten shortly after her removal to Wilmington intermarried with a certain Joseph Tomlinson of Wilmington in said State where she has continued to reside ever since her first removal, that she before her marriage aforesaid and she & said Tomlinson after the intermarriage aforesaid kept the said negro Adam in the State of Delaware for the space of one year and nine months in the whole after which the said Tomlinson and wife brought the said negro Adam to Maryland to reside and remain in said State and hired the said negro Adam with the same devised in the said will of the said Tomlinson and wife to said Andrew Foster Lecton for and during the year Seventeen hundred and eighty eight, and also during the year Seventeen hundred and eighty nine, where he still is. That the Estate of the said John Cotten is not yet settled that taxes have been paid in this State regularly for said Adam during his twenty one months Residence in Delaware and still are, that the personal Estate of said John Cotten is not sufficient to pay all his debts but his real and personal Estate fully sufficient

Robert Wright pro pltff.

Ja Tilghman for Joseph Tomlinson & wife Exr. of John Cotten who claim as Qr. and for A. F. Lecton

and the following will of John Cotten referred to in the foregoing case as being annexed thereto being also filed of Record in this Cause, In the name of God Amen I John Cotten of Queen Anns County in the State of Maryland being greatly afflicted and weak in body but of sound and disposing mind memory and understanding and knowing the uncertainty of human life and the certainty of death, do therefore for the purpose of settling my temporal affairs and of being better prepared for the time when it shall please God to call me, make this writing as and for my last will and Testament hereby revoking all former and other wills by me made Imprimis. I humbly resign my soul into the hands of Almighty God in hope of a Joyful Resurrection at the last day thro the merits and mediation of my blessed Saviour and Redeemer Jesus Christ our Lord and my body to be decently buried at the Discretion of my Executrix hereafter named and as to such worldly Estate wherewith it hath pleased God to bless me I give and dispose thereof in manner following I do will and direct that the whole Rents and profits of my real and personal Estate shall be applied by my Executrix hereafter named to the payment and discharge of my lawful debts and to the support and maintenance of herself and my four Children until my said debts are discharged not to exceed seven years from the day of my decease — Item after my lawful debts are paid and discharged in manner aforesaid I give and devise unto my dear wife Elizabeth Cotten all my part of a tract of land called Rindal containing one hundred acres with my Dwelling plantation and all the Improvements thereon for and during the Term of her natural Item I give and bequeath unto my two Daughters Susan and Hannah all that part of a tract of land called Timber neck or Timber land which I purchased of Rachel Chitham and all that part of a Tract of land called Causey's Addition whereof I stand seised and possessed (and also the Residue and remainder of the parcel of land called Rindal and my Dwelling plantation, and my Estate therein whensoever happening by and after the death of my wife) to be equally divided between my said two Daughters and the Issue of their Respective Bodies lawfully begotten forever but if either of my said two Daughters should die without Issue as aforesaid then I will and devise the lands before devised to my Daughter who should so die without Issue as aforesaid and also the Residue and Remainder aforesaid whensoever happening unto my Daughter Ann and the Issue of her Body lawfully begotten forever and for want of such Issue to my Daughter Sarah and the heirs of her Body Lawfully begotten forever, and if both my said Daughters Susanna and Hannah should die without Issue as aforesaid then I will and devise all my lands Tenements and the residue and remainder aforesaid whensoever happening to my Daughters Sarah and