to which, the language employed in the residuary clause of the will, is not sufficiently free from restraint and qualification to pass the issue and increase of negroes Mary and Harriett to the residuary legatee, since the bequest, whilst it purports to pass "the rest and residue of the Estate", "all and singular of whatever kind", at the same time, by a recital of the particular kind of property, of which such rest and residue consisted, "~~[illegible]~~, ~~[illegible]~~" to wit: "Household furniture, cattle, horses, farming utensils", and so forth, "limited by its very terms" to the articles enumerated and described, and in our opinion necessarily to things ejusdem generis. The court think that Arthur Cole died intestate as to the issue and increase of negroes Mary & Harriett, and that such property is properly distributable to the heirs at law: It is therefore this Thirteenth day of October 1852, ordered and decreed that Sidathick Cole, the Executor of Arthur Cole distribute said issue and increase of negroes Mary and Harriett to the parties named and described in the Petition and admitted by the answer to be the proper and legal distributees, in the proportions, to which each of them are thereon alleged to be entitled.

Joshua H Haynes
Isaac Taylor jr