aforesaid Richard John Benjamin & Ruth Children of the said Johnas aforesaid have received their proportionable parts of the Said Estate But that Elinor dyed under Age & before she was capable to receive her Share of the Said Estate And the Libellants further Shew that the Said intestate John Left four Negroes which were appraised amongst the other parts of his said Estate and that Peter one of the Said Negroes was paid to Richard in his distributive part of the Said Estate and that the P. other three are yet undisposed & remaining as part of the Said Estate of the Said John Warfield and the Said Philip & Mary Children of the Said John being as yet young & incapable of receiveing their parts of the personal Estate The Libellants have frequently applied to the Said Administratrix Ruth and to her Husband Daniel Foster of Anne Arundell County Planter with whom the Said Ruth intermarried after the Death of the P. intestate John Warfield to have & receive their proportionable parts of the said Estate according to the directions of the Act of Assembly in that Case made and provided But the Said Ruth and Daniel well knowing that the Said Negroes appraised as afores. were valued at a much lower price than they were really worth pretend that they are not obliged to pay to these Libellants any of the Said Negroes remaining of the Said Estate as afores. in their distributive part thereof and therefore refuse to deliver or pay to these Libellants any part of the Said Estate unless they will receive the same according to the price at which the Said Negroes were appraised & thereby relinquish their right to any part of the Said Negroes. Whereas these Libellants respectfully charge & are advised that the Said Ruth & her Husband Daniel in her right as Administratrix ought to pay and Divide to these Libellants their proportionable parts of the Negroes of such Estate and not according to the Price mentioned in the appraisement but in Specie in the manner directed by the Said Act of Assembly And these Libellants further charge that they have tendered to the Said Ruth and Daniel or one of them a Bond executed by sufficient Securitys to indemnify them in such payment pursuant to the Directions of the Said Act of Assembly and also offered to allow to the Said Administratrix Three pounds Current Money for each Negroes over & (above

& above the price fixed on them by the appraisement which the Said Ruth and Daniel have refused to accept Therefore that the Said Ruth and Daniel may pay to these Libellants their full Share and proportion of the Said Estate of the Said John Warfield and that so much thereof as consists in Negroes and remaining of the Said Estate in their hands may be Satisfied to these Libellants according to their proportions in Specie pursuant to the Said Act of Assembly and that the Said Daniel & Ruth ~~the Defts~~ and either of them may true & perfect Answer make upon their corporal Oaths to all and Singular the premisses as if the Same were herein again particularly interrogated and repeated May it please Your Honour to grant unto these Libellants his Lordships Writ of Citation directed to the Said Daniel and Ruth commanding them to appear before Your Honour in this Honourable Court on a certain Day then and there to make true and perfect Answer to all and Singular the premisses And these Libellants further pray the Liberty of adding or diminishing from this Libell as occasion shall offer and that Your Honour will proceed to a final Sentence in this Cause according to Equity and good Conscience

Edm: Jennings Pro Libell.

Whereupon the Said Libellants have his Lordships Writ of Citation to them granted directed to the Sheriff of Annarundell County commanding him to cite & Summons the Said Daniel Foster & Ruth his Wife that they be and appear. to answer the premisses ads Returnable to the Second Tuesday of March then next

At which Said Second Tuesday of March being the 13th Day of the Same Month Anno Dom 1727 and the Day of the return of the Precept ads come again the Said Libellants by their Promotor ads and the Sheriff of Annarundell County ads to whom the Same Citation was directed likewise comes and makes return thereof to the Court here endorst Countermanded by Richard Warfield the Orphans neat Freind

James Govane Sheriff

Ja Ds Whereupon this Action at the Instance of the Promotors for the Libellants is ordered to be entered Agreed