September Court 1746

mother died possessed of a very Considerable Personal Estate more than sufficient to pay and Satisfy all her Just Debts and funeral Expences and did some Little time before her death make and Constitute her last Will and Testament in Writing Bearing date on or about the twenty Seventh Day of July Seventeen hundred and Ten and thereof appointed Thomas Williams and John Prather Executors who afterwards duely Proved the Same and took upon themselves the Burthen of the Execution thereof and by the said Will she devised the Residue of her Personal Estate equally to be divided amongst Sundry Persons named in her said Will for that Purpose among whom was Your Libellant Rachel as by the said Will and Probate thereof now remaining among the Records of this Honourable Court relation thereunto Being had may appear And Your Libellants further Shew unto Your Honour that a distribution Part of the residue of her said Estate according to her said Will amounted to the sum of Twenty Eight Pounds Gold or Silver Currency of this Province and to which Sum your Libellant Rachel by Virtue of the said Devise became entitled and Your Libellants further Shew unto your Honour that Your Libellant Rachel Being then a minor and under the Care and Tuition of her mother Martha Prather then a Widow she received the aforesaid twenty Eight Pounds for and on behalf of your Libellant her Daughter after which your Libellants said mother Intermarried with a certain Captain Stephen Yoakley who in the Year Seventeen hundred and Twenty three delivered to Your Libellant a Negro Woman named Esther and a Negro Child named Pinch as a Security for the Payment to her of the aforesaid sum of Twenty Eight Pounds so as aforesaid Devised to her and received by her said Mother and Soon afterwards the said Yoakley departed this Province and never returned but very Soon after dyed Beyond or upon the Seas after whose departure your Libellant Rachel then living with her said Mother and the aforesaid Negro Woman and Child still remaining in the said Family Your Libellant Rachel Intermarried with the aforesaid William Collinger whereupon she Leaving her Mother's family left there the aforesaid Negro Woman and Child in the Custody of her said Mother and your Libellants further shew unto Your Honour that your Libellant Rachel's said Mother some years afterwards departed this Life possessed of your said Libellants Legacy as aforesaid and also of the aforesaid and also of the aforesaid two Negroes and left Behind her a large Clear Personal Estate but some little Time before her death made her last Will in Testament in Writing and thereof appointed Thomas Prather and Thomas Williams both of Prince Georges County and also Johnsmith Prather of Charles County Executors who proved the Same and took upon themselves the burthen of the Execution thereof as by her said Will and Probate thereof now among the Records of this Honourable Court and whereto your Libellants crave leave to refer themselves may Appear and who by virtue thereof took Possession not only of the whole Personal Estate of their said Testatrix but have likewise taken Possession of and still retain both the aforesaid Negro Woman and Negro Child and also the aforesaid Sum of Twenty Eight pounds the Legacy so as aforesaid devised to your Libellant Rachel by her said Grandmother And your Libellants further Shew unto your Honour that your Libellant Rachel's former husband departed this life without ever demanding or taking any Steps to recover from the aforesaid Martha Yoakley your Libellants said Mother either the aforesaid Negro Woman and Child or the aforesaid Sum of twenty Eight pounds so as aforesaid Devised to her after whose death your Libellants Intermarried and Your Libellants further shew unto your Honour that your Libellant Rachel before this her Last

September Court 1746

Marriage and your Libellants since their Intermarriage have diverse and sundry times Demanded of and from the aforesaid Martha Yoakley during her last Widowhood and since her death and the Probate of her Will as aforesaid of and from her said Executors to have delivered to them your Libellants or one of them the said Negro Woman and Child or the aforesaid Legacy of Twenty Eight Pounds with Interest for the same and at the same times hath and have offered to Give good Counter Security to Indemnify her and her said Executors respectively against any Security which the said Martha Yoakley might have Given on her receiving the Legacy aforesaid but she and her said Executors Have always refused to Comply with your Libellants Demands among Other things pretending that the aforesaid Legacy was discharged and Satisfied by Payment of the Negroes aforesaid and that as to the said Negroes that Your Libellants are Barred from any recovery of them by the Act of Limitations wherefore Your Libellants do Expressly Charge that the said Negroes were delivered to Your Libellant Rachel only as a Security for the Payment of the aforesaid Legacy of Twenty Eight Pounds and not in Payment and discharge thereof And your Libellants do humbly Insist as the said Negroes have always been in the Possession and Service of the said Martha Yoakley during her Life and ever since her Decease in that of her said Executors and so now are. That the said Executors of the said Martha Yoakley ought to Pay and Satisfy to Your Libellants the aforesaid Legacy of twenty Eight pounds with Legal Interest for the same from the receipt thereof by their said Testatrix To which purpose and that the said Thomas Prather Thomas Williams and Johnsmith Prather may true and Perfect Answer make to all and Singular the Premisses as fully and Particularly as if the same were herein again repeated and Particularly Interrogated and that your Libellants may have such relief in the Premisses as to Your Honour shall seem meet May it Please Your Honour to Grant to Your Libellants his Lordships Writ of Citation in Common form thereby Commanding them the said Thomas Prather Thomas Williams and Johnsmith Prather on a Certain day and under a certain pain therein to be Limitted to be and appear Before Your Honour in this Court and there to make Answer to all and Singular the Premisses and to stand to and abide such Order Sentence and Decree therein as to Your Honour shall seem meet &c

Bordley & Libell.

Whereupon the said Joseph Welburn Semmes and Rachel his Wife prays his Lordships Writ of Citation to them Granted Directed to the Sheriff of Charles County Commanding him to Cite and Summons the said Johnsmith Prather and also Citations Directed to the Sheriff of Prince Georges County Commanding him to Cite and Summons the said Thomas Prather and Thomas Williams that they be and appear &c to Answer the Premisses aforesaid Returnable to the Second Tuesday of September Next

At which said Second Tuesday of September Being the Tenth day of the same month Anno Domini 1746 and the day of the return of the Precepts aforesaid came again the said Joseph Welburn Semmes and Rachel his Wife by Stephen Bordley their Procurator aforesaid and the Sheriffs of Charles and Prince Georges Counties to Whom the same were Directed Likewise Come and make Return thereof Endorsed

Summons Samuel Hanson Sheriff of Chas. County