And say that the said Lord Proprey his action aforesaid against
them to have or maintain Ought not because they say
that the said John Flowers in the said Condition of the said writting
mentioned did make a true and perfect Inventory of all and
Singular the Goods Chattles and Credits of the said David Rogers
Deceased and the same so made did Exhibit into the Office for
probat of Wills at annapolis in aunndele County on the
fourteenth day of October Next Ensuing the date of the said
Writing and the same Goods, Chattles and Credits did well and
Truly Administer according to Lawe by paying the Legacies
and filial Portions appointed by the Last will & Testament
of the said Deceased to be paid and did pay and satisfie all
Just Fees that were due and Owing to the Commissary Generall
and further did make a true and Just Account of and upon
his said Administration within Twelve Months to wit on the
Thirtieth day of July in the year of Our Lord seventeen hundred
and seventeen of such part of the said Goods as were remaining
in his hands did distribute & Dispose according to the true
Intent & meaning of the said Deceased & at all times did
Clearly Acquit Discharge & save harmless his Lordships Judges
and all other his officers and ministers from all persons
having or pretending to have any Right Title or Interest
to the said Goods Chattles and Credits to wit at Cambridge
In Dorchester County aforesd and this they are ready to verify.
Wherefore they Pray Judgment if the said Lord Proprey
his action aforesd against them to have or maintain Ought
&c.

And Daniel Dulany Esqr now Attorney General of the
said Lord Proprey that now is for the same Lord Proprey & defendeth
for the same Lord Proprey saith that by any thing by the afore-
Ebenezer and Elizabeth above by pleading alledged the said
Lord Proprietary from having his action aforesd against the
said Ebenezer and Elizabeth ought not to be Precluded because
protesting that the aforesd John Flowers after the making the
Writing Obligatory aforesd and before the Impetration of the
said Writ of the aforesaid Lord Proprey did not make or cause
to be made a true and perfect Inventory of all the Goods,
Chattles & Credits of the said David Rogers deceased appraized in
money, nor the same did Exhibit into the Office for probat
of Wills, as the aforesd Ebenezer & Elizabeth above by pleading
have alledged and protesting also that the aforesd John Flowers
hath not Observed Performed fulfilled or kept any of the
other articles, Clauses or things in the Condition aforesd specified
for plea or Replication the same Attorney General therewith
saith that the aforesd David Rogers deceased, being in his
Lifetime to wit the Twenty second day of February which
was in the year of our Lord God seventeen hundred and
fourteen possessed of a considerable personal Estate consisting
in Bonds, other securities for money and Tobacco, ready money
Tobacco Plate, Household Stuff, Linnen, Woolen, Pewter,
Brass, & other Goods and Chattels of the value of two Hun-
dred pounds Current money of Maryland to wit at Dor-
chester County aforesd upon the said Twenty second day of February

(which)

which was in the year of Our Lord God seventeen hundred and fourteen
at the County aforesd made his Last will & Testament in writing bear-
ing Date the same day and year, and did thereby amongst other
things therein contained Devise & bequeath unto his son David Rogers
One Feather Bead & Furniture, One Chest of Drawers, One silver
Tan Lard, two silver Spoons, One Looking Glass, One Chest of Drawers
& Leaf table, One Mare called Hobby and her Increase
One Large Iron pott, Two pewter Dishes, six pewter plates, and one
Gold Ring and all the remainder of the said David Rogers decea-
his Estate after all his Debts, should be satisfied and all charges
Defrayed and the aforesd David Rogers Deceased, by his Last Will
and Testament aforesd did ordain that his son David Rogers should
be of Age at Eighteen years to receive all and whatsoever
should be his Due of the said David Rogers deceased his Estate
arising by the said Last will & Testament more at Large it doth
and may appear, and shortly after making the said Last will
& Testament, the aforesd David Rogers the Testator at the County
aforesd died possessed as well of the Goods & Chattles first afore-
mentioned as of the said Goods & Chattles Last mentioned &
and the aforesd attorney General further saith that the aforesaid
John Flowers after the Death of the said David Rogers the
Testator & after the making the said Writing Obligatory, and
before the Impetration of the said writ of the said Lord Proprey
to wit the first day of December which was in the year of
Our Lord God seventeen hundred and Sixteen at the County aforesd did
possess himselfe as Executor of the said David Rogers deceased
of all and singular the said Goods & Chattles and personal
Estate & received the same into his hands and custody which
then and there were more than sufficient to pay all the debts
and funeral Expences of the said Testator David Rogers, and all
Just Fees due & owing to the said Commissary General with an
Over plus of the summe of One hundred pounds Current money
of Maryland, and the aforesd attorney General further, saith, that
the said David Rogers son of the said David Rogers deceased
before the Impetration of the said writ to wit, the first
day of February which was in the year of our Lord God seven-
teen hundred & thirty at the Plaintiff aforesd was of the age of
Twenty & one years & that the same David Rogers the son in in
the said Last will and Testament & in this replication mentioned
and the said David Rogers in the Indorsement aforesd on the writ
aforesd made, Named are one and the same person and not other
or Divers and that the said David Rogers Deceased in the Condi-
tion of the said writting Obligatory and in this Replica-
tion & the said will mentioned are one and the same person
and not other or Divers, Nevertheless the said John Flowers
(altho often required) the said summe of One hundred & eighty
pounds, being the Over plus of the said Goods and Chattles &
personal Estate severally aforementioned or any penny
thereof or the said several Legacies in the said Last will &
Testament named or any of them unto the said David Rogers
the son of the said David Rogers deceased hath not paid or
in any sort Contented, but that to do the same. John Flowers

(hitherto)