and all other his Officers and Ministers from all Persons having or pretending to have any Right Title or Interest of in or to the said Goods and Chattels to wit at Annarundel County aforesd according to the form and effect of the Condition aforesd and this she is ready to Verify wherefore she prays Judgment if the said Henry Darnall Esqr. Attorney General aforesd the Action aforesd against her to have ought &c.

And the said Attorney General saith that by any thing above Alledged the said Lord Propry. from having and maintaining his Action aforesd against the said Araminta ought not to be Precluded because he saith that Joseph Young Esqr. the Testator in the Condition of the said Writing mentioned on the day of in the Year of our Lord Seventeen hundred and made his last Will and Testament in Writing and thereof constituted the Said Araminta his Wife to be his Executrix and thereafter Dyed to wit at Cecil County aforesd by which same Testament the said Joseph Young Bequeathed after his just Debts Legacys funeral Expences and his Wifes thirds were paid the residue of his Personal Estate to be Equally Divided between his three Daughters Share and Share alike and the said Attorney General in fact saith that the residue of the Personal Estate of the said Joseph Young the Testator after the Payment of his just Debts Legacys Funeral Expences and Wifes thirds deducted amount to fifteen hundred and eighty nine Pounds and a Quarter of a Pound of Tobacco and seven thousand eight hundred and twenty three Pounds and one Quarter of a Pound of Sop Tobacco and eighteen hundred and fifty four Pounds seven Shillings and one Penny half Penny Current Money of Maryland, And the said Attorney General further in fact saith, that the said Joseph Young the Testator at the time of making the said Will and at the time of his Death to wit at Cecil County aforesd had three Daughters Namely Mary Mileah the Wife of the said Samuel Budd in the Indorsement mentioned and Elizabeth since Dead Intestate and without Issue and that one third part of the said Sums of Trash Tobacco. Sop Tobacco and Current Money belonged to the said Mileah the Wife of the said Samuel Budd in the Indorsment of the said Writ mentioned and amounts to the Sums of five hundred and twenty nine Pounds and three Quarters of a Pound of Trash Tobacco. two Thousand six hundred and seven Pounds and three Quarters of a Pound of Sop Tobacco and four hundred and eighty four Pounds nineteen Shillings and an half Penny Current Money of Maryland as one of the Daughters and Residuary Legatees of the said Joseph Young the Testator which said Sums of five hundred and twenty nine Pounds and three Quarters of a Pound of Trash Tobacco two thousand six hundred and seven Pounds and three Quarters of a Pound of Sop Tobacco and four hundred & eighty four Pounds nineteen Shillings and an half Penny Current Money or any part thereof the said Araminta Executrix whilst she was Sole and before her Intermarriage with a certain William Alexander deceasd with which said William Alexander the said Araminta Intermarried or the said William Alexander and Araminta after such their Intermarriage in the lifetime of the aforesd William or the said Araminta the Executrix aforesd after the Death of the said William whilst she was Sole and before her Intermarriage with a certain Mackey deceasd with which said Mackey the said Araminta Intermarried or the said Mackey and Araminta after such their Intermarriage in the lifetime of the said Mackey or the said Araminta the Executrix aforesd after the Death of the said Mackey to the said Mileah the Wife of the said (Samuel)

Samuel Budd whilst she was Sole and before her Intermarriage with the said Samuel Budd in the Indorsement of the said Writ mentioned or to the said Samuel Budd and Mileah his Wife or either of them since the Espousals between them had and Celebrated altho' often required have not paid nor hath any of them paid But the same have always refused to pay and this the said Attorney General is ready to Verify and therefore prays Judgment for the Debt aforesd together with the Damages Sustained by Occasion of the detention of that Debt to the said Lord Proprietary to be Adjudged with this that the said Attorney General will Verify that Mileah the Wife of the said Samuel Budd in the Indorsement of the said Writ mentioned and Mileah one of the Daughters and Residuary Legatees of the said Joseph Young mentioned in the Testament and last Will of the said Joseph Young in the Condition of the said Writing mentioned is one and the same Person and not others and divers

And the aforesd Araminta Mackey says that the Plea of the said Attorney General on behalf of the said Lord Propry. in manner and form by Replication Pleaded and the matter therein contained are Insufficient in Law the Action of the said Lord Propry. against her the said Araminta to have and maintain and that she to the Plea aforesd in manner and form aforesd Pleaded hath no need nor by the Law of the Land in any wise is held to Answer and this she is ready to Verify wherefore for want of a sufficient Replication in this part the said Araminta as before prays Judgment and that the said Lord Propry. from his Action aforesd against her to have be Precluded

And the said Attorney General saith that the Plea aforesd by him the said Attorney General in manner and form aforesd above in his Replication Pleaded and the matter in the same contained are good and sufficient in Law the Action of the said Lord Propry. against her the said Araminta to have and maintain which said Plea and the matter in the same contained the same Attorney General on behalf of the said Lord Propry. is ready to Aver and Prove so soras the Court here shall Award &c. And because the aforesd Araminta hath not Answered to that Plea nor the same hitherto in any manner denied the same Attorney General on behalf of the said Lord Propry. as before prays Judgment for the Debt aforesd together with the Damages Sustained by Occasion of the detention of that Debt to the said Lord Propry. to be Adjudged &c.

Whereupon all and singular the Premises being by the Court here seen heard fully understood and mature deliberation thereupon had for that it seems to the Court that the Plea aforesd by the aforesd Araminta above Pleaded and the matter therein contained are Insufficient in Law to Bar the said Attorney General from having and maintaining the Action aforesd on behalf of the said Lord Proprietary

Therefore it is Considered by the Justices here that the said Lord Propry. his Damages by Occasion of the Premises aforesd ought to recover but because it is unknown unto the Court here what Damages the said Lord Propry. hath Sustained by Occasion of the Premises It is Commanded the Sheriff of Cecil County that by the Oath of Twelve honest and Lawful Men of his Bailiwick he Diligently Enquire what Damages the said Lord Propry. as well by means of the Premises aforesd as for his Costs and Charges by him put unto about his Suit in this behalf hath Sustained and the Inquisition which he shall thereof take to the Justices of his Lordships Provincial Court to be held at Annapolis the Second Tuesday of April next under his Seal and the Seals of them by whose Oath he shall take that Inquisition he shall send together with the Writ of the said Lord Propry. to him upon this Account directed And the same day is given to the said Araminta Mackey Executrix &c. unto Henry Darnall Esqr. Attorney General of the said Lord Propry. Ye. here &c.

Test. R. Burgis Clk