Legacies and Debts due from the said Estate and passed a final Account in the year 1744 as p the records of the Prerogative Office doth appear

Your Petitioners further shew to your Honour that Benjamin Gaither besides some Specific Legacies did bequeath to eight of his children to each a negro of 15 or 20 years of age without mentioning their names or value which prevented the Prerogative Office from making a distribution among the several Representatives the Balance being transmitted to the County Court with the gross amount only remaining due to the Estate after debts paid — Your Petitioners further shew that the said Estate of Benjamin Gaither remains yet unsettled some of the Representatives having received more and others less than these Petitioners conceive was the intention of the Testator to leave to his children — Your Petitioners further shew that they are ready to pass their Account on the Estate of Sarah Gaither but as your Petitioners have agreeable to an especial order from your Honour charged themselves with all the Goods chattles and effects the deceased Sarah died possessed with without regard had ~~thereof~~ to such part thereof as she retained in her hands belonging properly to the Estate of Benjamin Gaither the said Sarah not having Accounted with the several Representatives of Benjamin Gaither to the amount of the Balance appearing due in her hands — Your Petitioners cannot pass their Account of Sarah's Estate before that of Benjamins be concluded. they have therefore stated the several matters relating to the settlement of Benjamin Gaithers Estate in a clear light by the annexed Schedule by which it appears that Sarah Gaither ought to be charged with £920 15 5 still remaining due to the Representatives of Benjamin Gaithers Estate which they humbly pray may be allowed them on their producing receipt for the payments of such balances remaining due —

Your Petitioners further pray that to prevent any future misunderstanding among the several representatives to both the above Estates your Honour would please to let them know by Citation or otherwise that they be and appear before your honour on a certain day to be appointed to be present at the passing of the Account of said Sarah Gaithers Estate

and

and to contest such part thereof as they shall think proper otherwise to be concluded by what shall then and there be done in that behalf —

And your Petitioners will pray

It will be necessary for the Exors to prove that no other part of the Estate of Benjamin Gaither their father than what they Acct for and charge themselves with what ever came to their hands and that the residue of the Effects were retained by their mother and then her Estate will become chargeable therewith after deducting what she paid to the children their own Deposition together with such indifferent proof as they can produce will be necessary —

Walter Dulany Comy

Dr. The Estate of Benjamin Gaither to the Exors —

Balance of the Estate as settled by the last Account exclusive of the 4 payments to Representatives	£1116 3 1	
To the Widow one third of the Balance is	371 1 0⅔	
Remains	744 2 0⅔	
Of Gold received by Benj.a Gaither in the life time of the deceased & by Will ordered to be part of the Estate	61 8 0	
Of One horse received by John Gaither in the lifetime of the decd	8 0 0	
Of Sundry Effects received by Eliz.a Brown in the lifetime of the deceased to the amount of	11 15 6	
	£825 5 6⅔	

Legacies in the Will are as follows —

To Benj.a Gaither negro Jemima appraised at	£10..0..0	
To John Gaither negro Pedro appraised at	50..0..0	
To Eliz.a — negro Jack appraised at	40..0..0	
To Edward, Samuel, Henry, William, Sarah, Ann, Mary, Cassandra — to each a negro between the age of 15 & 25 years which it hath been agreed shall be rated at 40 £ a piece is	320..0..0	
	£420..0..0	
Remains to be equally divided among 11 children	£405 5 6⅔	
Which is to each besides their Legacies	£36 16 10⅞	

Ben