

Instead of an Action upon the Case such ^(the) Defendant shall and may Exhibit his or their Bill in a Court of Equity for Recovering such Proportion and the Court before whom such Bill shall be Exhibited shall and may proceed upon the Bill and the Answer of the Defendant altho he should be under the Age of Twenty one Years and Give such Relief for the Recovering and Compelling the payment of such proportion of the True Value of such Slaves or Slaves as shall be agreeable to the Rules of Equity any thing in the said Act contained to the contrary thereof in anywise Notwithstanding

and whereas by part of

Another Act made in the fourth Year of the Reign of the said Late Queen Anne Intituled an Act for the Distribution of Intestates Estates Declaring Widows Rights to their Deceased Husbands Estates and for Securing Orphan Estates It is provided that no person by his Last will and Testament may give a Less share or proportion of his Estate than is therein Directed and that any will unto contrary to that Act may be set aside for so much upon the petition of the wife

And for as much as it is Doubtful whether that part of the said Act hath any Relation to the Disposition of Slaves and what Right a Widow hath to the Slaves of her Deceased Husband in case of his Dying Testate to the End all Doubts and questions thereupon may be Removed and a better Method may be settled for women to Recover their Rights than by Petition to set aside the will

Be it further Enacted by the Authority aforesaid that when any Widow shall not be satisfied with the provision made for her by her ^{Deceased and} Husbands will it shall and may be Lawfull for such Widow within Nine Months after her Husbands Death before the Court where such will shall be proved or by Deed Executed in the presence of two or more Witnesses to Declare that she will not Accept Receive or Take the Legacy or Legacies to her given and bequeathed or any part thereof and will Renounce all benefit and Advantage which she might Claim by such last will and after such Declaration to Demand and Recover her Dower of all the Slaves whereof her husband did possess which she shall Enjoy during her Natural life and after her Death or other Determination of that Estate the same shall go to the person or persons in whom the property thereof would have vested in case the Dower had not been Demanded and Moreover such Widow shall have such share of the personal Estate of her husband as by the said Act is Directed But if such Declaration be not made within the Time before Limited she shall be for ever barred to Claim any other part of her husbands Estate than shall be given or bequeathed by such last will

^{by the death of her husband} We further find that the Negro's in question were ^{sent from Virginia to Maryland wth out the leave of the gift} We further find that the said Mary at the decease of the said Spencer Herk was Entitled to One third part of his estate Real and personal in Right of her dower and that defend^t holds the negro's in question in Right of his wife as part of her dower of said Spencer Herks Estate - we further find that there was a division made of the said Spencer Herks Estate in Virginia, and that four Negroes who of the three mentioned in the declaration are parcel, were allotted to the said Mary as part of her dower we find the Negro's to be of the value mentioned in the declaration, and if upon the whole matter the Law be with the p^lffs we find for the p^lffs and a spec^l damages by the Omission of the

Determiner