Septr Court 1707

C W.

Col^o Henry Lowe Ex^r Tho. Grunwin)
vs)Cite to answer Compl^t returned
Robt Ungle and Francis ux^r Ex^rx of)Cited -- but no app^er
James Brown)

Mr. Henry Darnall makes oath ye he served a Decree -- made out of this Court by him obtained ag^t Col^o Henry Lowe upon the s^d Lowe for ye Sumes therein mentioned and Demanded Complyance therewith but the s^d Lowe refused (Absolutely) to Comply with the same --- wherefore ord^rd ye Attachment Issue thereon according to Law ---

The last will and testament of John Smith of Matapany Landing in Prince Georges County is Exhibitted Wherein Jane Smith the Relict and one John Bowie a Minor are constituted and proved on ye 23^d Septr 1707 before Mr. Ed^wd Willett Dty Com^ry and ord^rd to be Recorded ---

Whereupon ord^rd (at the Instance of Robt Bradley and James Stoddard Gent who are left as Trustees of the s^d Bowie) That Edward Willett Gent Dty Commissary of Prince Georges County grant lres test^ry ann test^d annex^d unto the said Jane Smith the Relict of ye s^d John and one of ye Ex^rs as afd. during the minority of the s^d John Bowie ye other Ex^r taking Security according to Law ---

thereof sent to s^d Willett

Mr. Hugh Eccleston Clerk of Dorchester County Court by ord^r of s^d Court wrote a letter to his Hon^r the Commissary Generall Shewing that whereas the ballance of George Prouse his Estate was transmitted amongst ye rest to that County Court am^o to 63:19:4 the s^d Prouses ad^r to wit Patrick Cavin appeared before them and produced

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produced a Coppy of an Account past before Robert Finley Gent Dty Commissary of Talbott County since ye Dated of the s^d ballance and pray^d Discount of that to be made out of the s^d ballance transmitted but that the said Court upon inspection into the s^d Prouse's Will were of Opinion that the Disbursement ought to be discounted out of Produce of the Land by the s^d Testator ord^rd to be sold for ye purpose and ye totall -- account of his Honalb^r Estate presented Intire for the use of the Legatee &^el and Desired his Hon^rs further directions therein upon which his Hon^r making inspection into the s^d Will and considering thereof Declares his Opinion that it Seems by ye s^d Will that the Testator's Intent was only that his land should be sold &^ct^a in Case there was not psonall Estate enough to comply with his Debts and with ye legacies therein bequeathed but that if there were enough of his psonall Estate to Comply therewith that then ye s^d Prouse's heire or Devisee should by no means be Deprived of his or their Estate in the land -- by means of the sale thereof upon pretence of want of Assetts to comply with s^d Testators will where as there is really no such want nor Just grounds for such pretensions and ye therefore the s^d land ought not to be sold as assetts there being assetts without it and therefore ye Disbursement to be allowed out of that p^sonall Estate and ord^rd ye there be a letter sent to s^d Justices [ ] ye p^rmises ---