[redacted] Thomas Tucker et Ux. } The Compt
[redacted] } P. J. John Morris Ex. of Capele } Exhibited to
[redacted] } the Court here this
Octavo Libell and Complaint

Against John Morris one of the Exors of Benj Capele late of Annarundell County deced as follows —

To the Honble William Bladen Esq Commissary General of the province of Maryland —

The Complaint of Thomas Tucker and Elizb his wife the daughter & heiress at law of Mathew Selley of Annarundell County deced Showeth That a certain Benj Capele late of Annarundell County deced was admr of the estate of your Complainants father who never fully anounted with the then Commissary General for the said State but dyed and left the Sume of Nineteen pounds six Shillings & eleven pence unacounted for which he received of the debts due to the said Mathew Selley as appears by recets under the hand of the said Benj which is the right of your Hons Complainants And since the death of the said Benj Capele it hath been of late demanded of John Morris Executor of the said Benj Capele his last will and Testament who refuses to pay the Sume alledging that he having paid all the other debts and Legacies of the said Capele which amounted to the full of his Estate which he the said John Morris says he looks upon sufficient to discharge him wherefore dath refuse to pay to your Complainants the said Sume of Nineteen pounds six Shillings & eleven pence due from the Estate of the said Benjamine And forasmuch as your Honours Complainants Humbly Conceives they had a right to their debt before any Legacies was paid they Humbly pray your Honour will Issue a process against the said John Morris in order to have a hearing before your Honour and that your Complainants May Come to their right

Thomas Larkins

Whereupon the said Libellt hath his Lordships writ of Cpias to him granted directed to the Shff of Annarundell County to Cite the said Defts that they be and appear &c. To answer unto the said Complainant

Complainants in the premises returnable here at next Court — At which Said Court to wit this twelfth day of September anno Domini 1730 Before the Honble Thomas Bordley Esq Prince of the Prerogatives appearing the Pltffs Libellant Pleas to order that the Court be adjourned till the Eleventh day of Nov. then next ensuing at which said Court being held on the Eleventh day of Nov. according to Adjournment as aft before his Honr the Judge Aft Comes the said John Morris and by Edwin Jones his Procurator prays Liberty to make his answer unto the Libell of the said Libellant aft having heard the same read until the twenty ethe day of November Instant which is granted him and the Libellt likewise and now like afterwards to wit on the twenty sixth day of Nov. aft Comes the said Deft and Exhibits his answer to the Premises in these words viz.

The answer of John Morris Exor of the last Testament of Benj Capell deced to a certt Compltt or Libell Exd against him in the prerogative Court by Thomas Tucker and Elizb his wife Exrx — The said John Morris Deft saving to himself now and at all times hereafter the benefitt & advantage of Exception to many Imperfections uncertainties and false Suggestions of the Compltt & Libell & said Libell of Compltt or Libell for answer thereunto or to so much thereof as this Deft Conceives himself obliged to make answer thereto he answeth and Confesseth that a certt Benj Capele was admr of one Mathew Selley deced and that the said Capele had not fully anounted with the Commissary General for the estate of Mathew Selley before he deceased but this deft doth deny that any rect or rects under the hand of Sd Benjn for nineteen pounds six Shillings & eleven pence as due to the Estate of Mathew Selley unacounted for were ever produced to him by Thomas Tucker or Elizb his wife and this deft further says that since the decease of the said Benjn Letters of admon de bonis non &c. was to him Committed and accordingly he hath pd all such debts as justly and legaley appearing to be due to Mathew Selleys Estate from the said Benjn and hath fully anounted for the same as from Sd into the prerogative office may more at large appear — This Deft denys not but that Thomas Tucker some time pastdid frequently demand a summe of money as becoming due from Capele Estate as admr of Mat Selley which Sume this deft Conceives not in Law Equity or good Conscience Comply with the payment thereof without injuring and defrauding as well the Creditors as the Legatees of the said Benjn as mentioned in his will This Deft Verily believes the said Tuckers demand of said Sume of 19 6 to be unjust and no ways due to the Estate of Mat Selley he having already pd and anounted for the said Mat Selleys Estate as far forth as the Law Justice or Equity doth require — Wherefore this deft humbly prays to be hence dismissed with his reasonable Cost & expenses and Charges in this behalf most wrongfully sustained

(Edwjones)

And at a Court for probat of wills held at Annapolis on the thirteenth day of March 1730 the aft answer being read and heard it is agreed by Cns of Offices and ordered by his Hon the Judge that the Libellt file his repli in two days or that there be