March 11th At the Instance & Prayer of Anne Heighe Exec.x of James Heighe late of Calvert County deceased Comission ordered & issued to Wm. Walter Smith Deputy Commissary there to pass her Account of the Said Decd.s Estate returnable in two Months –

Ead.m Die Was Exhibited from Annarundell County

Stephen Burle his fourth Additionall Account by Hugh Merriken Admin.r

And from Kent County

Coll. Edward Scott his List of Desperate Debts £: : 14 : 8 and 1416 Tob.

which Account & List are ordered to be Recorded.

Maryland ss.

At a Prerogative Court held at the City of Annapolis in Annarundell County for the Province af.d on the Second Tuesday of March being the twelfth Day of the Same Month Anno Dom.i 1727/8

Present

The Honble Charles Calvert Esq.r Commissary Generall

Who orders the Docket of Causes to be called over & proceeds therein as follows (viz.t)

DD Martha Dace
Aquila Hall & Johanna his Wife Exec.x of Coll. James Phillips

Be it remembred that on the Sixth Day of July Anno Dom.i 1725 The Said Martha Dace exhibited her certain Libell & complaint against Aquila Hall & Johanna his Wife Exec.x of Coll. James Phillips which

(follows)

follows in these Words (viz.t)

In the Name of God Amen Before you Thomas Brooke, William Holland and Thomas Addison Esq.rs Com.rs Gen.ll and chief Judges for probate of Wills and granting Adm.ns for the Province of Maryland or before any other competent Judge in this behalf Martha Dace of Battemore County Widow one of the Daughters and Legatees of James Phillips the Elder late of Ball.d Gent.l deced ag.st Aquila Hall of Battemore County Gent.l and Johanna his Wife Ex.rx of the Testament & last Will or Ad.m & of all & singular Goods & Chattles of James Philips the Younger late of the Said County deced who was the Ex.r of the Testament and last Will of the S.d James Philips the Elder & also ag.st all or any other person or persons for them in Judgm.t lawfully intervening complaining & with intent to complain in a certain cause for detention & Substraction of part of the personal Estate of the Said James Philips the Elder due and of right belonging to the S.d Libell.t Saith alledgeth and in Judgm.t doth oppose in manner following and doth intend to prove. —

Imp.s She Saith and alledgeth that the Said James Philips the Elder deced was her Father and alledgeth & intends to prove &c. –

2 Item She Saith and alledgeth that the Said James Philips the Elder sometime in the Year Sixteen hundred & Ninety Eight or Sixteen hundred & Ninety Nine made his last Will & Testament in writing and thereby bequeathed his personal Estate to be equally divided amongst his four Children Viz.t James, Anthony, Mary, and this Libellant Martha and of that Testament constituted the S.d James Philips the Younger Sole Executor and afterwards died leaving a very considerable personal Estate to the value of two Thousand pounds of Sterling no ways incumbered with any considerable debts or demands and alledgeth & intends to prove &c.d

3 Item She alledgeth and intends to prove that the Said James Philips the Younger took upon him the Execution of the Said Testament, had letters Testamentary thereon granted to him, and by colour thereof got into his hands & possession the

(whole