Province of Maryland.

The Libell & Complaint of John Wells of Kent Island in Queen Anns County Gent agt. John Stephens of Kent County one of the Executors of the last Will and Testament of John Wells of Queen Anns County late deceased and Thomas Hammond of Queen Anns County and Jane his Wife the other Executor of the Sd. John Wells deceased. —

Humbly Complaining Sheweth unto your Honours that the Sd. John Wells deceased your Libellants Father made his Last Will and Testament in writing which follows in these Words Viz — In the Name of God Amen The Tenth March Anno Dom Seventeen Hundred and Thirteen I John Wells of Kent Island in Queen Anns County Gent being sick and weak of Body but of sound Mind & Memory praises be given to God for the same do make and ordain this my present Last Will and Testament &c and after several Legacies and devises therein there are the following Clauses Viz — To conclude my Will is that my personal Estate be divided into three parts between my Wife and Children and that my Sd. Wife have her first choice and I do hereby constitute and appoint my Said loving Wife my loving Brother James Harris of Kent County and John Stevens within mentioned to be my full & Sole Executors to see the performance and executing of my last Will and Testament, as by the Same Will duly proved and Recorded in this Honble Court may appear, And shortly after the making the Sd. Will the Sd. John Wells the Testator Dyed, That the Sd. James Harris one of the Executors in the Sd. Will mentioned refused the Executorship and that the Sd. Jane and John Stephens the other two Exors. in the Sd. Will mentioned did accept of the Execution of the Same and had the Same proved and recorded as afs. and on the twentyth day of December Anno Dom Seventeen Hundred & fifteen returned an Inventory of the Sd. Decd's Estate into this Honble Court amounting to the Sum of Six Hundred and twenty Six pounds and two pence and thereafter past an Account of their Payments and Disbursements of the Same, That thereafter the Sd. Jane one of the Executors was intermarried to the Sd. Thomas Hammond, and that the Sd. Thomas Hammond after the Marriage afs on the twelfth day of September Anno Dom Seventeen Hundred and Sixteen did pass a final and Additional Account of the Sd. Estate (administred on as afs by the Sd. John Stephens and Jane) with John Steele Gent then Register of this Honble Court said

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to have been signed by order of Wm. Bladen Esq. the then Comdy General That the Sd. Account was just & true by which Sd. Account there appears to have been due to the Sd. Estate the Sum of Five Hundred and Thirty four pounds and Seven pence half penny Your Libellant humbly shews unto Your Honours yt. the Executors afs yet never have been legally discharged themselves of the Sd. Estate by passing a final Account of the Same according to the tenor of their Oath on their admission to the Sd Administration, Your Libellant likewise shews that he is now of the Age of twenty three Years and upwards yt. he has often in a Friendly manner applyed himself to the Said Thomas Hammond and to the Sd. Jane & John Stephens Exors. afs for one third part of the Said Decds. Estate and desired them to Account with him for the Same and pay what Ballance should appear to be due as afs and did tender unto them a Bond accounted with a considerable penalty and good Security according to the directions of the Statute and Act of Assembly in that Case made & provided to refund in Case any Debt or other Debts should appear agt. the Sd. Estate yt. yd Libellant conceives and hopes to prove that notwithstanding sundry payments made him by the Exors. afs that there is a Ballance of thirty pounds & upwards due to him out of the Sd. Estate wch they have refused to pay, This Libellant likewise shews there were several Specifick Legacys left to Sundry persons who dyed before the Legacys became due and never were delivered to the Legatees wch were allowed in the Accounts past wth the Comdy General afs That this Libellant has demanded a third of the Sd. Legacys and they have been refused him That the Sd. Defendants have been allowed for Several payments and Disbursmts and likewise Commission for Several Disbursements Contrary to Law. That this Libellant hath been informed and hopes to prove yt. the Decds. Estate was appraised in Stg Money and that the Accounts past & returned of the payments and Disbursements was in Current Money yt. in regard the Said two acting Executors have never past or joynt in passing a final Account of the Sd. Estate upon Oath according to Law and for that, That yt. Libellant conceives himself properly relievable before Your Honours in this Honble Court yt. Libellant therefore humbly prays yt. Citation agt. the Sd. Thomas Hammond & Jane his Wife and agt. the Sd. John Stephens to be and appear before your Hon. in this Honble Court at a certain Day particularly and separately on their respective Oaths to answer all & Singular the premisses and particularly yt. the Sd. John & Jane

(Exors. afors.)