September Term 1770 —

for Probate — Whereupon It was ordered and Citations were Issued against William Taylor, Michael Cluff and James Smith the 3 Subscribing Witnesses to said paper, as also agt. John Paden the Heir at Law of the deceased directed to the Sheriff of Worcester County returnable the 2d Tuesday of July then next. At which said Second Tuesday of July being the 10th day of the same Month 1770 the Sheriff to whom the said process was directed makes return thereof to the Court here, severally thus endorsed to wit —

Summoned pr Saml. Handy Shff Wor.

But the P. Wm Taylor, Michael Cluff, James Smith & John Paden being called upon appear not, but made default — Whereupon, It was ordered, and Citations were renewed against them returnable the Second Tuesday of September then next —

At which said Second Tuesday of September being the 8th day of the same Month Anno Domini 1770 — Came the Sheriff aforesaid and made return thereof to the Court here thus endorsed to wit

Summoned pr Saml. Handy Shff Wor.

Whereupon the Said Wm Taylor, Michael Cluff, James Smith and John Paden being called upon Severally appear, and the Said Wm Taylor Michael Cluff and James Smith the 3 Subscribing Witnesses to the paper aforesaid, being duly Sworn in open Court, Severally do depose and Say as follows —

Prerogative Office to wit } Came William Taylor, Michael Cluff and
September Term 1770 } James Smith the three Subscribing Witnesses to a

within paper set up as and for the last Will and Testament of John Paden late of Somerset County deceased and made Oath that they Severally do firmly believe that the aforesaid John Paden was not of a Sound and disposing Mind at the time he Executed the above Instrument of writing That the Said John Paden was very sparing and expressed a great desire of having a Will made, and that it was merely to gratify his Humour that one of them wrote the Said Will, and that afterwards they Signed their Names as Witnesses to it

Sworn to before Walter Dulany Comr Gen.

September Term 1770 —

And the aforesaid John Paden the Heir at Law of the deceased being called upon to Shew cause why Sentence should not pass agt. the Validity of said pretended Will — makes no material Objection —

Wherefore His Honour the Judge by this his Definitive Sentence — Doth Decree, Order and Adjudge That the Paper or Testament of writing set up as aforesaid purporting to be the last Will & Testament of John Paden late of Somerset County deceased be not taken as and for the Last Will and Testament of the said deceased but be for ever Cancelled Annulled and made void to all Intents and purposes, and that Letters of Common Administration be granted to John Paden the Heir at Law of the deceased, as in cases of Intestacy.

Walter Dulany Commy General.

95.

William Stevens agt. Eleanor Stevens the Widow of John Stevens. } Be it Remembered that on the 20th Day of September 1769 an Instrument of writing proporting to be the last will and Testament of John Stevens late of Somerset County deceased was in due form exhibited and filed in this Court by Elizabeth Stevens the Relict of said John Stevens dec'd for Probat which Paper follows in these words to wit. —

In the Name of God Aman I John Stevens of Sumerset County Sea man beings in Perfete hatth Minde and memory which thanks be to Allmighty God for att therefore callings to mind the Mortaicty of my Body knowe att is a Pinter for all Men to dye therefore What att hath Plesed God to bless me with in this World I give and bequeath in the followings Maner and forms —

Item I give will and bequeath unto my Wife beloved Wife Elnor Stevens all my whole Estate Real and Personal to her and her heirs for Ever I doa hereby nomenate Constetute and apoint my loueing wife Elnor Stevens my Sole Executrix of this my last will and testement Wittness whareof I hereunto sett my hand and Sole this twelfe Day of November one thousand Seven hundred and Sixty five. —

Signed Sealed published John Stevens (Seal)

Pr. Pr. Pr. —

Peter Corbin. Major Townsend. William Ponoho. —

(And)