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And that on the 25th Day of January 1770 William Stevens and others by James Tilghman Esq. their Proctor filed in Court here the following Libell to wit —

To the Honourable Walter Dulany Esquire Commissary General and Judge for Probat of Wills and granting Administrations within the Province of Maryland. —

The Libell and Complaint of William Stevens Ephraim Stevens Mary Stevens and Betty Stevens Brothers and Sisters of John Stevens late of Somerset County Mariner deceased humbly sheweth unto your Honour that the above John Stevens was in his Life Time Seized and possessed of a Real and Personal Estate in this Province and so being seized and possessed on or about the eight Day of march in the Year of our Lord one thousand seven hundred and sixty eight sailed from in the Province of Maryland aforesaid as Commander on Board the bound to the Island of Antigua in the West Indies Their being then no debts due from him or if any to avery — inconsiderable Amount since which Time the same Vessel or any other Ever have not been heard of wherefore your Libellants conceive and are apprehensive that they Perished and were Lost in the Sea. And that the said John Stevens sailed as aforesaid without having made his Last Will and Testament or any Disposition of his Real or Personal Estate leaving behind him his Wife Elenor Stevens now of Worcester County herein after mentioned and your Libellants his Brothers and Sisters who are all now living and in full Life — Your Libellants further shew unto your Honour that by the death of the same John Stevens Intestate his Real Estate became the right of and descended upon your Libellant William Stevens his eldest Brother and Heir at Law and his Personal Estate became the right of your Libellants and the aforesaid Elenor Stevens according to the due course of Law as in other cases of Persons dying Intestate — That the same Elenor Stevens notwithstanding a diligent but unsuccessful search for the discovery of a Last Will and Testament of the same John Stevens and altho she the same Elenor Stevens hath said and is confident that the aforesaid John Stevens died Intestate yet pretends that the same John Stevens before he sailed as aforesaid viz. on the twelfth Day of November in the year fourteen hundred and fifty five made and duly executed his Last Will and Testament in writing whereof he hath appointed the aforesaid Elenor Stevens

(his)

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his Sole Executrix and thereby devised and bequeathed his Estate as follows — "Item. I give, will and bequeath unto my well Beloved Wife Eleanor Stevens all my whole Estate Real and Personal to her and her Heirs forever". —

your Libellants further shew unto your Honour that by virtue of the same pretended Will and Testament the same Elenor Stevens gives out in Speeches that she designes to prove the same and to take out Letters Testamentary and for that purpose she hath actually lodged an Instrument of writing purporting to be the last Will and Testament as aforesaid of the same John Stevens in this Honourable Court which said Instrument of writing your Libellants verily believe and humbly Apprehend they shall be able to establish to your Honours Satisfaction is not the last Will and Testament of the same John Stevens but is false, forged and Counterfeit. — Your Libellants therefore humbly pray the same pretended Will may be by Sentence of this Honourable Court declared Null and Void and that your Libellants may have such further and other relief in the Premises as to your Honour shall seem meet — May it please your Honour to grant unto your Libellants his Lordships Writ of Citation directed to the same Eleanor Stevens commanding her at a certain Day and under a certain Pain therein to be inserted to be and appear before your Honour in this Honourable Court then and there to answer the Premises and stand to and abide such order Sentence and decree therein as to your Honour shall seem most agreable to Equity and Good Conscience &c. —

Ja. Tilghman Jr. for Lib.ts

Whereupon it was ordered and Citation was issued against Eleanor Stevens directed to the Sheriff of Worcester County commanding her to answer the Allegations contained in the Libell aforesaid on the second Tuesday of May then next. —

At which said Second Tuesday of May Anno 1770 the Sheriff of Worcester County makes return of the writ aforesaid thus endorsed Viz.

Summd ff. and Thandy. Shff —

And the said Eleanor Stevens appearing and being demanded to put in her answer to the Libell against her Exhibited she doth in open Court renounce her pretension to set up the the aforesaid Paper as Studied for the Last Will and Testament of the said deceased and declares that she will be contented with having Letters of common Administration as in the case of Intestacy granted to her. — Whereupon the said Eleanor was discharged from further

Attendance