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against the said will as follows to wit

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

The Libel and Complaint of Matthias Davis and Robert Davis of Worcester County two of the Sons of Robert Davis late of the same County deceased humbly sheweth that the said Robert Davis the Father on or about the day of in the year of our Lord one thousand Seven hundred and departed this life in the year of his Age Intestate possessed of a considerable share of real as well as Personal Estate — That for eight or Ten years next preceding his death he was in his Potage and greatly addicted to drinking Strong and Spirituous Liquors and even at some very few Intervals during that Time he was so far deprived of his understanding that he did not even know his own children and always your Petitioners were and continued incapable of making a Last Will and Testament — But that notwithstanding shortly after his decease William Davis one other of the Sons of the said Robert Davis the Father pretending that the said Robert did not die Intestate exhibited a Paper bearing date the three Day of February in the Year of our Lord one thousand seven hundred and fifty Seven purporting to be the last Will and Testament of the aforesaid Robert the Father and appointing the said William Executor thereof to Benton Harris Deputy Commissary of Worcester County aforesaid who hath since transmitted it to this Honourable Court for probat and to have Letters Testamentary thereupon granted —

Your Libellants further Shew that at the aforesaid Time when the above Paper purporting to be the last Will of the said Robert Davis the Father as aforesaid is pretended to have been made and executed the same Robert was

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was so exceedingly intoxicated with Spirituous Liquor that without any other incapacitation they humbly apprehend it was not possible for him to distinguish what he was about and that the aforesaid Robert the Father did not either sign seal deliver or acknowledge the same writing as his last Will and Testament or desire any Person or persons to sign or seal it or to attest it as such, but that a certain James Noble Sond. deceased one of the Witnesses to that Writing put a pen into the Hand of the said Robert Davis the Testator and made a Mark and then with the Hand of the same Robert took off something which was put on the seal affixed to the same Instrument of Writing without the direction or request of the same Robert Davis the Father and that the Witnesses at the importunity of some Bystanders wrote their Names as Witnesses thereto without being asked or otherwise induced to do the same by the aforesaid Robert Davis the Father, the said Robert during all the Time they were in his presence not saying one single Word or giving the least Mark of Approbation of what was doing — Your Libellants therefore humbly pray that the same pretended Will may be by sentence of this Honourable Court declared Null and void and that the Libellants may have such further and other relief in the premises as to your Honour shall seem most —

May it please your Honour to grant unto Your Libellants Thus Lord Sufis Writ of Citation directed to John Davis, William Davis, Thomas Davis, Rebecca Kelley, Henry Davis (Son Thos) John Davis (Son of John) Thomas Davis (Son of Thomas) Shadrach Davis (Son of Ishmael) and Matthias and Abijah Davis (Sons of Benjamin) and Robert Davis (Son of Thomas) Devisees under the same pretended Last will and Testament all of Worcester County aforesd. commanding them and each of them at a certain Day and under a certain pain therein to be inserted to be and appear before your Honour in this Honourable Court and there to answer the premises & 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. Pro Libellants —

(Which)