said Robert Poole was intitled in his Life time to one fourth Part of the said Samuel Poole his Personal Estate And your Libellant has aforesaid being intitled to one third Part of the Estate of the said Robert Poole Dyed Possest of - —

Your Libellant for himself & on Behalf as aforesaid & by his ffriends & Acquaintances have made frequent Applications to the Respondent William Poole your Libellants Uncle & requested the Respondent in a friendly manner to come to an Account with your Libellant, ffand on Accounting the aforesaid Administrations & to pay & Satisfie what shod appear to be fairly due to your Libellant by Reason of his Promises and offered to give Security to Refund in Case of Latent Debts Yet the Respondent hath altogether refused so to do or to pay any Part thereof to your Libellant upon Pretext (All the the Respondent is fully convinced in his Conscience & knowes believes & — Acknowledges your Libellant to be the Son of his Brother aforesaid Roger Poole) That as your Libellants ffather had for many Years been absent from Great Britain & from his ffriends and Relations that therefore he thought Incumbent on your Libellant to prove his ffathers marriage And that he is the Son of Roger Poole the Respondents Brother And that the Respondent could not Justifie Paying away any Part of the Estates of the said Samuel & Robert Poole to the Libellant until such Proof was made & without the special order & Direction of the High Court of Chancery of this Province or this Honnable Court for his so doing In Tender Consideration whereof & for as — much as Your Libellants Witnesses to prove your Libellants ffathers marriage And that this Libellant & the aforesaid Robert & Samuel Poole are the Sons of the said Roger Poole the ffather aforesaid And that your Libellants Witnesses that can prove the same are either old & infirm & others Seafaring Persons & beyond Sea out of this Province living in Great Britain & in the Province of New England aforesaid And that your Libellant cannot Examine the Witnesses aforesaid In Perpetuam rei Memoriam to preserve their Testimony without the Aid & Assistance of this Honnable Court. To the End therefore that the aforesaid William Poole may true & perfect Answer make to all & singular the Premisses And whether he had not a Brother named Roger Poole as aforesaid who went to Sea And whether he does not know or believe that he was thereafter married at Salem aforesaid And whether he does not believe that the now Libellant his the Son of the said Roger Poole the Respondents Brother And that the said Respondent may Relate the whole Circumstances or Causes of his Belief And whether he does not know & believe that the Book or Book of Accounts now produced to him is the proper hand writing of this Brother Roger Poole aforesaid whether Application was not made by the Libellant on Behalf of himself & his — Brethren aforesaid to the Respondent to render an Account of the Estate of the aforesaid Samuel & Robert Poole And for Payment of what Share thereof did belong to him as aforesaid And whether the Libellant hath not tendered to give Bond to Refund in Case of Latent Debts and whether he did not refuse so to do for the Reasons aforesaid or what were the Reasons of Such his refusal And that the Respondent may true & perfect Answer make to all & singular the Premisses aforesaid — —

May it therefore Please your Honour the Premisses considered to grant unto your Libellant his Lordships Commission under the Seal of this Honnable Court to be directed to such Persons as your Honour shall think meet inhabiting in England for taking the Answer of the aforesaid John Poole to all & singular the premisses abovementioned And Commission as aforesaid to such Persons as your Honour shall think meet inhabiting in Salem aforesaid in the Province aforesaid And likewise Commission to such Persons as your Honour shall think meet inhabiting within this Province for Examining your Libellants Witnesses in Perpetuam rei Memoriam for the proof of the Matters aforesaid And also his Lordships Writt of Subpana directed to the said William Poole thereby Commanding him at a certain Day therein limitted & expressed personally to be & appear before your Honour in this Honnable Court to answer all & singular the Premisses aforesaid & to stand and abide such order therein as to your Honour shall seem meet

And your Libellant shall Pray &c.

William Cumming p Libell.t

Whereupon the said Roger Poole for himself and on Behalf of his two Brethren Samuel Poole & Robert Poole hath his Lordships Writt of Citation to them Granted Directed to the Sheriff of Annarundel County Commanding him to Cite and Summons the said William Poole that he be and appear &c. to Answer the Premisses aforesaid Returnable to the second Tuesday of July then Next - —

At which said second Tuesday of July being the twelfth day of the same month Anno Dnoq; And the Day of the Return of the Precept aforesaid comes again the said Roger Poole for himself & on Behalf of his two Brethren Samuel Poole & Robert Poole by William Cumming Esq.r their Procurator aforesaid And the Sheriff of Annarundel County aforesaid to whom the same precept was Directed likewise comes & makes Return thereof to the Court here Indorsed

Summoned p Zach: Macubbin Sheriff — —

Whereupon the said William Poole by Edmund Jennings Esq.r his Procurator appears and ffiles his Answer to the Libell & Complaint of the said Roger Poole, Samuel Poole, & Roger Poole which Answer is received & ffollows in these Words Viz.t —

The Answer of William Poole Merchant Respondent to the Libell & Complaint of Roger Poole on Behalf of himself and Rob.t & Samuel Poole his Brethren Libellants — — —

This Respondent now and at all times hereafter saving and reserving to himself all and all Manner of Benefit & Advantage of Exception to the Manifold Incertainties & Insufficiencies of the Libellants s.d Libell or Complaint for Answer thereto or to such much thereof as this Respondent is advised is any ways material for him to make Answer unto Answereth and Saith that he admits that Sam.l Poole in the Libell or Complaint mentioned Dyed Intestate leaving behind him this Respondent & John & Robert Poole his three Brethren (which said Rob.t Poole is since Dead) in manner as in the s.d Libell & Complaint is Setforth — —

This Respondent admits he had a Brother named Roger Poole & that the aforesaid Roger Poole was the third Son of Samuel Poole the Respondents ffather That the Respondent was the Eldest the aforesaid Samuel Poole the Respondents Brother Dec.d the second Son the aforesaid Roger Poole the third the aforesaid John the fourth and the aforesaid Robert Poole the fifth Son of the aforesaid Samuel Poole the Respondents ~~Poole~~ ffather - — —

And this Respondent says that after his ffathers Death the aforesaid Roger his Brother was bound an Apprentice to one Captain Gourney Captain of one of his Majestys third rate Men of War named the Defyance as this Respondent has been Credibly informed and Believes & made some Voyages to Sea with him But before the Expiration of his Indentures time the aforesaid Captain Gourney at the Island of Barbadoes Dyed that after the first News this Respondent heard of his Brother was that he was gone for Newfoundland That this Respondent does not Remember to have heard of the aforesaid Roger thereafter till the Year Seventeen hundred that he had Intelligence he was at New England And thereupon the Respondent wrote to his Brother Samuel Poole then here in Maryland that he had an Account that their Brother Roger was alive in New England — — —

And the Respondent Admits that the Libellants Roger Poole Eldest Son of the aforesaid Roger Poole since the Death of the aforesaid Samuel & Robert the Respondents Brethren on Behalf of himself & the aforesaid Robert & Samuel his Brethren the Legal Representatives of their ffather aforesaid made frequent Applications to this Respondent and offered to give Security in Case of Latent Debts in Manner as in the said Libell & Complaint is Setforth And that this Respondent for the Reasons and Causes Setforth in the said Libell & Complaint that as the Libellants ffather had been for many Years absent from Great Britain And from his ffriends and Relations he therefore refused to comply with such Request that the Respondent thought it Incumbent on the Libellants to prove his said ffathers Marriage And that he is the Son of the aforesaid Roger Poole the Respondents Brother and that he could not for the Reasons aforesaid in Law Justify the paying away any Part of the Estate of the aforesaid Samuel & Robert Poole to the Libellants without the order & — Direction of the High Court of Chancery of this Province or this Honnable Court - — —

And this Respondent Admits that he took Letters of Administration of the aforesaid Samuel Poole his Brother his Personal Estate Entred into Bond and returned Inventories with List of Sperate and Desperate Debts & Past Accounts of his Administration And that the aforesaid Robert Poole the Respondents Brother likewise Dyed And that the Respondent Likewise Administred on his Estate in Manner as in the aforesaid Libell or Complaint is Setforth - — —

And this Respondent says that of his [redacted] certain Knowledge he does not know that the aforesaid Roger Poole the Respondents Brother was married at Salem in New England aforesaid or at any other place or that the aforesaid Roger Poole at Salem aforesaid Dyed Intestate before his Brother the aforesaid Samuel Poole leaving behind him the aforesaid Roger Poole the Libellant and his two Brethren aforesaid in Manner as in the aforesaid Libell or Complaint is Setforth - — —

But this Respondent says that from the many concurring Circumstances related to him by the aforesaid Roger the Libellant concerning the aforesaid Roger Poole his ffather and the Respondents Brother And of many Occurrences happened Between the Respondent and his Brother aforesaid when Young and at School which the Respondent Remembers and knows to be true As also that the Respondents ffather profest himself of the Religion of the Church of England And that the Respondents Mother was a Dissenter And that for the most Part she carried this Respondent and the rest of the Children with her to Meeting And that she used to Dwell at a particular Kinsmans House which several Particulars with many