At which said Nocl Court to witt the Second Tuesday in July being the 11th Day of the same Month Anno Dni 1721 And the Day of the return of the aff. prompt Come again the said Libellants by their procurator aff. But the Shrd of Talbot County to whom the same was Directed as yet makes no return thereof. Whereupon the Same is Ordered to be renewed returnable to the Nocl Court And the said Action is Accordingly further continued untill Nocl Court &c —

At which said Nocl Court to witt the Second Tuesday in September being the Twelfth Day of the same Month Anno Dni 1721 and the Day of the return of the prompt aff. Come again the said Libellants by their procurator aff. But the Shrd of Talbot County aff. to whom the Same was Directed as yet makes no return thereof. Nevertheless the said Michael Fletcher by his procurator aff. Exhibits to the Court here his Answer to the Libellants said Libell which (the Contempt being first purged) is Ordered to be read and follows in these words viz.

The Answer of Michael Fletcher to the Libell and Complaint of the Vestry of St. Michaels Parish.

The Respondent by protestation Saving to himself All Benefitt and Advantage of Exceptions to the Incapacity and Inability of the Libellants to prosecute this Respondent And Also All Advantage of Exception to the Generality Obscurity and Insufficiency of the said Libell for Answer thereunto saith that he believes the Dcsd Thomas Smithson Esq. was possessed and Died so of a Considerable personal Estate but of what Value the respondent knows no Otherwise than by the Accounts and Inv.ys or Inv.ys returned in this Honble Court to which he refers himself. As this respondent being in England when the said Smithson died that the Respondent has been credibly Informed that the said Smithson at the time of the making the will in the Libell Mentioned was not of Disposing Mind and Memory And is Advised that it is Questionable whether the Same was Done in so Legal and regular a Manner as to Invest the Libellants or Other Devisees with an Estate in the Lands therein Devised. That the respondent upon his Arrivall in this province in right of his wife who is the Heir and Only Legall representative at Law of the said Thomas Smithson Enquired into the Circumstances of his Affairs with All the Care he Could And by Some Accounts or Memorandums in writing which he believes to have been writt by the said Smithson himself And which are ready in the hands of Daniel Dulany the respondents Procurator to

to be produced in this Honorable Court Suspected that there had been Some part of the Dcsds personale Estate Concealed but that upon the Strictest Enquiry the respondent Could make he Could not find there was Any thing Concealed That there were Some few Debts an Account whereof is hereunto Annexed which the respondent prays may be Deemed as part of this his Answer which were Due, to the Dcsd and were paid by this respondent besides which and the Accounts and Inventories already Mentioned and referred to the respondent knows not of Any of the said Dcsds personale Estate without that that any Matter or thing &c. All which Matters and things the respondent is ready to Aver and prove as the Court shall Direct And therefore humbly prays to be hence Dismist with his reasonable Costs in this part most wrongfully Sustained &c

Dulany for respondt

The Respondent Michael Fletcher Declares that the Facts herein Contained as his Own knowledge he knows And that the Facts relating to Others he believes to be true

Septr 13th 1721 Sworn to before me

H Bordley Comd Gent

Whereupon the Sd Action is further Continued untill Nocl Court And Day thereof is given to the Libellants and Libellee Also

At which said Nocl Court to witt the Second Tuesday of December being the 12th Day of the same Month Anno Dni 1721 Come again the said Libellants by their procurator aff. But for that Daniel Dulany Esq. the Libellees late procurator is Appointed One of the Judges in this Court the said Libellee Appears in his own proper person. And the said Action is further Continued untill Nocl Court. And the Same Day is given to the Libellants and Libellee Also.

At which said Nocl Court to witt the Second Tuesday of February being the 13th Day of the Same Month Anno Dni 1721 Come again as well the said Libellants by their procurator aff. as the Sd Libellee in Own proper person Whereupon the said Action is further Continued untill Nocl Court, And the Same Day is given to the Libellants and Libellee Also — —