At a prerogative Court held at the City of Annapolis in Anne Arundell County for the said province on the Second Tuesday of February being the 11 Day of the same Month Anno Dni 1723/4

Was present

The Hon.ble Daniell Dulany Esq.r Commary Gen.ll

George Slater Esq.r

Who Ordered the Docquett of Causes to be Called over and proceeded therein as follows Viz

Pl.ff Stephen Gill
v
Def.ts John Owings & Jane Vandever

Pl.ff's Attorney
Peremptory Rule for Tryall last Court and Citacon issued for Georg Sindelton of S.t Marys County to testifie but upon his no appearing it is now rul.d that Comission Dedimus issuing for sd Sindelton to be Examined before any two Justices of the said County returnable this Court and the same be rec.d as Evidence upon the Tryall

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Pl.ff Fishers Widow
v
Def.ts Fishers Executor

To the Hon.ble William Holland & Thomas Addison Daniell Dulany Esq.rs Com.rs of Chiefe Judges for Probate of Wills and Granting Letters of Administracon for the province of Maryland

The humble Petition of Elizabeth Fisher the Wid.o & Relict of William Fisher late of Anne Arundell County Surgeon Dec.d for and behalf of her selfe and William & Elizabeth Fishers Infants Children of the sd William Dec.d

Humbly Shewetth

That the said Wm Fisher dec.d on the 26th Day of March anno Dni Two thousand Eighteen made his last Will & Testam.t in writeing whereby & whereby made a certain Wm Smith of Prince Georges County Planter his Exec.r and in a short time thereafter dyed leaving behind him your Pet.r his wife & three William & Elizabeth his two Children and that the said

Dec.d died possessed of a very Considerable personall Estate and that after his Decease the sd Wm Smith took upon the Execution of the sd Will and on the Fifteenth day of July Anno Dni Seaventeen hundred & Twenty seven return.d an Inv.ry of the Dec.ds Estate and a list of Debts due to the Dec.d by him exhib.d into the prerogative Office amounting to the Summe of Four hundred fifty Seaven pounds Fifteen Shillings and Eight pence three farthings Curr.t money and thereafter return.d an other Inv.ry of Debts by him rec.d due to the Dec.d into the said Office amounting to the Summe of One hundred and Seaven pounds twelve Shill.s & Eight pence half penny Curr.t money aforesaid in the whole amounting to the Summe of Five hundred & fifty five pounds Nine Shill.s & five pence Curr.t money aforesaid and since hath past two Acc.ts of his paym.ts made out of the said Estate with the Deputy Commary of Prince Georges County for upwards of Four hundred and fifty pounds by which Accounts he makes the Ballance due to the Estate to be only two pounds Sixteen Shill.s and Seven pence Your Petitioner humbly alledges & intends to prove to this Hon.ble Court shall award that by the Acc.ts given in and past the sd Dep: Com.ry he hath been allow.d sed all paym.ts for which by the same Acc.ts no receipts appear to have been given them in the said Acc.ts the Charge of the Inventory amounts to One hundred & Seaven pounds twelve Shillings and Eight pence farthing a list of Debts due & received by him of sd Estate is out showing the particulars thereof Your Pet.r likewise alledges & intends to prove that the said Wm Smith has rec.d far more of the dec.ds Estate than what he has rendred an Acc.t for; that his glossing in lists of debts rec.d due to the dec.d is out shewing particularly from which seems to have been carelessly done to keep your Pet.r from the knowledge of what has been rec.d and not accounted for. Your Pet.r likewise alledges and intends to prove that the greatest part of the dec.ds Estate consisted in his Books of Acc.ts Bills Bonds and other writings the said Smith took into his Custody and that he hath not given in an Acc.t of the sperate and desperate Debts into the prerogative Office as he ought to have done that your Hon.rs & the Judges of the County Court might have knowledge of the same your Pet.r likewise alledges and intends to prove that the Deputy Com.ry could not pass the said Smiths Acc.t without a special Comission for that purpose to him directed out of the prerogative Office which by the Acc.t does not appear And forasmuch as the residue of the dec.ds Estate belongs to your Petitioner and the dec.ds Children after the payment of his Debts