Mary it please your Hon.r to Grant unto your Pet.r his Lordships Writt of Citacon to be directed to the Sheriffe of Prince Georges County Commanding him to Cite & Summon William Smith late of aforesd. a certain day and under a certain paine therein to be limitted to be and appear before your Hon.r & likewise thereby Comanding him to bring with him the said Books of Accounts & all other papers & receipts of the dec.d Estate to be produced in this Office for your Pet.r perusall and that he may discuss the whole premisses according to the Excellency of the law and that a Copy of this your Pet.r Petition may be sent with the Citacon to shew thereon to be delivered to the said Smith that he may give in his Answ.r next Court that your Petition.r may have a speedy Tryall and that your Hon.r by your Sentence Definitive & finall Decree in this behalfe to be made & pronounced that William Smith may be Compelled to satisfie and pay to your Petition.r so much of the dec.d Estate as by law and right to him does belong and that Pet.r may have out of this Hon.r Court with liberty to Cite and Summon such Witnesses as shall be thought necessary &c

And y.r Pet.r as in duty bound shall pray

Wm Dent for Pet.r

Whereupon the said Elizabeth Fisher hath this Lordships Writt of Citacon to her granted directed to the Sheriffe of Prince Georges County Commanding him to Cite and Summon the said Wm. Smith that he be & appear &c to Answer the premisses aforesaid and petition at first prefixed. Returnable the second tuesday of Aug: being the 14th of the same month 1722

Which precept the Sheriffe of Prince Georges County to whome the same was directed afterward Viz: in the same Court to wit the same was returnable comes and makes return thereof Cited & Summ.d

Pecko: Cloyett Sher

Pursuant to which return the said Libellee by Thomas Larkin his Joshua George his Procurator appears on the said second tuesday in Aug and it was then and by their Hon.rs that the said Libellee fyle his Answ.r by the 7th of September then next ensuing or that Attachment issue and that Defaulter had in the Cause next Court peremptorily

At which next Court Viz the 4th Day of October Anno Dni 1722 Came again the said Petitioner by her Procurator and the said Respondent by his said Procurator according to the rule of the last Court Viz on the 5th day of September having filed his Answ.r to the Pet.r said Petition it is here and follows in these words Viz

The Answer of William Smith to the petition of Elizabeth Fisher and her two Children

The Respondent saith that he is advised that the Petition.rs have not set forth any good Right or just Title in their Petition upon which this Honourable Court can proceed to any Decision and that it Evidently appears that they had no Just Cause or pretence to Draw this Respond.t into this Hon.ble Court the Matters in the said petition Alledged Chiefly Complaining of the Deputy Com.ry for whose faults and Omissions this Respond.t hopes he will not be made answerable if guilty of any Nevertheless all benefitt and Advantage of Exception to the Manifold Imperfections of the said petition to him Saved and Reserved for the Satisfaction of this Hon.ble Court and to the End it may appear that the prosecution aff.t is without Cause the Respond.t upon his Faith that true it is that Mr. Fisher Decd made his will and Left this Respond.t his Ex.r and that this Respond.t took upon himself the Executorship as Alledged but what the personall Estate of the said Father is this Respond.t knoweth not for that it has not been in this Respond.t power to Compleat the Accounts w.ch by the said Fishers Books Appeared to have been Due, And that Sec.ties proved bad Debts and Others Discounts to, True it is that this Respond.t Exhibited into the prerogative Office an Inv.ry w.ch Amounted to four hundred & fifty seven pounds sixteen Shill.s & Eight pence three farthings and one Other Inv.ry Amounting to one hundred and seven pounds Twelve Shillings and Eight pence half penny And that this Respond.t had an allowance for five hundred and sixty two Pounds twelve Shillings and seven pence which being Deducted out of the Am.t of the Inv.ry both of which Amounts to five hundred and sixty five Pounds Nine Shillings and five pence this Respond.t takes the remainder to be but two pounds sixteen Shillings & ten pence That as to that of the petition Complaining that One hundred and seventy pounds Twelve Shillings and Eight pence farthing a List of Debts Received by the Respondent w.th Could Shewing the particulars thereof This Respond.t Answeres that at the time the same was allowed he produced a Particular List to the Deputy Com.ry which this Respondent is still Ready to produce to this Hon.ble Court And that that Method was not used by the