March Court 1738

which time the said Roger had three Sons born to him in Wedlock viz: Roger Robert and Samuel the Present Libellants whom he hath known from their Birth to this time And that he doth not know nor did he ever hear of any other Child born to the said Roger Poole Deceased And that he did hear the said Roger Poole Deceased frequently say that he was Born in London And further saith not

Daniel Wolle

Thos Barton
Ichabod Rawlsd
John Higginson
Samuel Barnard

Roger Poole and Margarett Kempton were married by Rd Nicholas Hoyes a Minister in Salem on the fifteenth day of November Anno Dominii 1709 As Appears from Salem Town Book of Marriages

Attest John Higginson Town Clerk

Salem December 8th 1737

Roger Poole married to Margarett Kempton Widow Nov. 15th 1709
Their Son Roger Born August 5th 1710
Their Son Robert Born August 29th 1712
Their Son Samuel Born March 23d 1716/17 As appears in Salem Town Book of Birth

Attest John Higginson Town Clerk

Salem December 8th 1737

Salem December 8th 1737

Province of the Massachusetts Bay in New England } Be it known & Manifest unto all People whom it doth or may concern that John Higginson Esq. under whose hand the above Copys are certified and Attested is the Clerk of the Town of Salem Admitted and Sworn and therefore Faith & Credit is and ought to be given to the same Jn Testimonium Veritatis Signo meo Manuali Solito Signavi et Sigillum Officii apposui

Mitchel Sewall Nor. Pub.

The above Certificates of the Marriage of Roger Poole Deceased and of the Birthes of the Libellants Roger Robert & Samuel are Sufficiently certifyed and Attested by the proper Officers for that purpose according to the Law and the Practice of this Province

Thos Barton
Ichabod Rawlsd
Samll Barnard

N.B: John Higginson Esq. one of the Commissioners — being Town Clerk has not Signed the above Certificate }

But there being no Return of the Commission that Issued to take the Answer of the said John Poole to the Libell and Complaint aforesaid this Cause is continued until next Court and the same Day is given to the Libellants and Respondent also —

At which said next Court to wit the second Tuesday of May being the ninth day of the same Month Anno Dominii 1738 Came again the said Parties Libellants & Respondent by their Procurators aforesaid but there being no Return of the Commission aforesaid this Cause is continued until next Court and the same Day is given to the Libellants and Respondent also —

At which said next Court to wit the second Tuesday of July being the eleventh day of the same Month Anno Dominii 1738 Came again the said Parties Libellants & Respondent by their Procurators aforesaid But there being no Return of the Commission aforesaid this Cause is continued until next Court And the same Day is given to the Libellants & Respondent also —

At which said next Court to wit the second Tuesday of September being the twelfth day of the same Month Anno Dominii 1738 Came again the said Parties Libellants & Respondent by their Procurators aforesaid but there being no Return of the Commission aforesaid this Cause is continued until next Court And the same Day is given to the Libellant & Respondent also.

At which said next Court to wit the second Tuesday of November being the fourteenth day of the same Month Anno Dominii 1738 Came again the said Parties Libellants & Respondent by their Procurators aforesaid But there being no Return of the Commission aforesaid this Cause is continued until next Court And the same Day is given to the Libellants & Respondent also —

At which said next Court to wit the second Tuesday of January being the ninth day of the same Month Anno Dominii 1738 Came again the said Parties by their Procurators aforesaid Whereupon it is Ruled that this Cause be heard next Court in Course on the several Proceedings in Court with Liberty to all Parties concerned to make use of any other Papers or Answer that shall be received from the said John Poole in the mean time And thereupon this Cause is continued until next Court And the same Day is given to the Libellants & Respondent also —

March Court 1738

At which said next Court to wit the second Tuesday of March being the thirteenth day of the same Month Anno Dominii 1738 Came again the said Roger Poole for himself and on Behalf of his two Brothers Samuel and Robert Poole the Libellants by William Cummings Esq. their Procurator aforesaid but neither the said William Poole the Respondent nor his Proctor aforesaid came altho they had due and timely Notice so to do —

Whereupon the several Proceedings and Depositions of Witnesses taken in this Cause being read in Court and the said Roger Poole by his Procurator aforesaid Praying Sentence to be given His Honour the Judge upon Mature Deliberation thereupon had on the Day and Year last mentioned to Wit on Tuesday the Thirteenth day of March Anno Dominii one thousand seven hundred and thirty eight Pronounced and Declared his Decree in Manner following — — — — — — — — — — — —

x.d In the Name of God Amen I Daniel Dulany Esq. Commissary General and Judge for Probate of Wills & Granting Administrations within the Province of Maryland Lawfully appointed duly and rightly proceeding having heard Seen understood and maturely considered the Circumstances of a certain Cause instituted by Roger Poole Shipwright one of the Sons and Representatives of Roger Poole late of Salem in New England Mariner Deceased Brother of Samuel Poole late of Annarundel County Merchant Deceased, of Robert Poole late of the same County Taylor Deceased, of William Poole of Annarundel County Merchant the Respondent in the said Cause, and of John Poole now or late Merchant in London, Agent and Complainant for himself and in Behalf of Robert and Samuel Poole Sons of the said Roger Poole Deceased on the one Part and the said William Poole, ~~Defendant~~ Against whom it is complained for Hardmallow in the Libel of the said Roger contained of the other Part; The said Roger Poole the Party complaining appearing by his Proctor before me in Judgement And neither the said William Poole the Respondent nor his Proctor appearing before me Although they had due and timely Notice so to do And the Proctor of the said Roger Poole Praying Sentence to be given and Justice to be Done to his Party And having carefully and diligently Searched into and considered the Libell the Answer of the Respondent and the Examinations of the Witnesses returned Exhibited and filed in the Registry of this Court and of the whole Proceedings had and done before me in this Court And having observed all and singular the Matter and things which by Law ought to be observed in this Behalf I have thought And do hereby think fitt to proceed to the giving my Definitive Sentence or final Decree in Manner following Viz: For as much as the Proctor of the said Roger Poole hath sufficiently Proved his Intention in the Libell propounded and exhibited in this Cause and remaining in the Registry of this Court on Behalf of his said Client And that Nothing hath been on the part of the Respondent effectually excepted deduced alledged or proved which might or could in any wise (touching my Sentence hereafter to be pronounced) Limit or weaken the Intention of the said Roger Poole the Complainant but on the Contrary the said William Poole the Respondent by his Answer upon Oath confirmes fortifies and Corroborates the Testimony of the Witnesses Examined on the part of the said Roger Poole And hath expressly confessed many of the material Facts Alledged in the said Libell Therefore I the said Commissary and Judge Do pronounce Decree and Adjudge that the personal Estates of the said Samuel Poole and Robert Poole be divided and Distributed into three equal Parts And that one third Part thereof all Debts due from the Deceased persons, the Charge of their Funerals, and all other Charges arising on the Administration being first Deducted out of the whole And that one third part of the clear Ballance be paid by the Respondent William Poole to the said Roger Poole the Complainant, and other the Representatives of the said Roger Poole Deceased They first giving Security to pay a ratable part of any Debts which shall appear to be due from the said Samuel and Robert Poole Deceased And with what the Law will charge the said William Poole as Administrator And also to save Harmless and indemnified the said William Poole from all Persons claiming or who shall claim the said third Part of the said clear Ballance

D. Dulany Comly —

92½ Citation having formerly issued (Viz:) To the Sheriff of Kent County ag.st Henry Truslock of the said County to show Cause why the last Will and Testament of Cornelius Ryan late of the County aforesd Deceased whereon Abigail Ryan Widow and Relict of the said Deceased is left Executrix should not be proved and Letters Testamentary granted thereon At the Instance and Request of the said Executrix — — —