their Reasonable Cost and Charges in this behalf most Wrongfully had and Sustained

William Cumming } for Defts

Maryland ss. the Second day of November 1745 Then Came the Within named Thomas Williams and John Smith Prather before us the Subscribers two of his Lordship's Justices of Prince Georges County and made Oath on the Holy Evangels of Almighty God that what they have herein Answered unto as of their Own Acts or Certain Knowledge is true, and what they have herein Answered unto Concerning the Act or Acts of any Other Person or Persons they believe to be true. And that what they have herein Denied is not True to the best of their Knowledge

Sworn to before us the Day and Year aforesd.

George Scott

Ja. Edmonston

Whereupon this Cause is Continued Untill next Court and the Same Day is Given to the Libellants and Respondents also At Which said Next Court to Wit the Second Tuesday of January Being the fourteenth Day of the Same month Anno Domini 1745 Came again the said Parties Libellant and Respondent by their Counsellors aforesaid, And the said Thomas Prather having filed his Seperate Answer to the Libell and Complaint aforesaid the same is Received and follows in these Words Viz.

The Seperate Answer of Thomas Prather one of the Defendants to the Libel and Complaint of Joseph Willburn Simmes and Rachel his Wife Complainants

This Defendant now and at all Times hereafter Saving and Reserving to himself all and all manner of Benefit and Advantage of Exception to the manifold Incertainties and Insufficiences of the Complainants said Libel & Complaint for Answer thereunto or unto so much thereof as this Defendant is Advised is anywise material for him to make Answer unto, Answereth and Saith, That he Admits that Jane Smith in the Libell mentioned the Libellant Rachel her Grand Mother Died Possest of a Considerable Personal Estate more than Sufficient to pay and Satisfy her Just Debts, in manner as in the said Libel is Set forth. and that She made her Last Will and Testament in Writing. But does not Admit that the Testatrix Jane Smith did appoint the Other Defendants Thomas Williams and John Prather her Executors and that he does not believe the Other Defendants Thomas Williams and John Prather did Administer on the Deceased's Estate as Executors, Administrators, or any Otherway. but this Defendant says that by the Last Will and Testament of the said Jane Smith now remaining in the Prerogative Court of this Province it appears that She appointed a Certain William Prather her Executor who by Virtue thereof this Defendant Believes did Administer on the Said Deceased's Estate. The Defendant Admits that it may be true that the Testatrix Devised the Residue of her Personal Estate Equally to be Devided amongst Sundry Persons named in the said Will for that Purpose. among whom was the Libellant Rachel, But for more Certainty Reference to the said Will. The Defendant Admits that it may be True that the Distributive Part of the said Jane Smith's Estate Belonging to the Libellant Rachel might amount unto the Sum of Twenty Eight Pound Sterling and Silver Currency in manner as in the said Libel is set forth. But for more Certainty

Leave it to the Libellants to Prove the same. And the Defendant does say he believes the said Martha Yoakley the Libellant Rachel her Mother Received the aforesaid Sum of Twenty Eight Pounds of the Executor of the said Jane Smith, but believes that She has since repaid it to the said Libellant Rachel. for this Defendant says that the said Martha Yoakley the Libellant Rachel's Mother was very Indulgent and Beneficent to her Said Daughter in Advancing and Providing for her in Marriage and after her Husbands Death paying Money for her in her Widowhood and this Defendant says that after the said Legacy (if due) had Lyen over for upwards of Twenty Odd Years undemanded and the said Martha Yoakley had Seen Six or Seven Months Sick and Languishing on her Death Bed and the Libellant Rachel tending on her for the greatest part of that time and no Demand made thereof (that ever this Defendant heard of) he is now Surprised that after the Death of the said Martha Yoakley he should be called upon for the Same in this Honourable Court and this Defendant Humbly prays and Prays the Judgment of this Honourable Court that in Case it should be made appear that the said Martha Yoakley had received the said Sum of Twenty Eight Pounds in the Libel mentioned in manner as therein Set forth, Whether the Same is a Testamentary affair and Cognizable in this Honourable Court. The Defendant Admits that the said Martha the Libellant Rachels Mother Intermarried with a Certain Stephen Yoakley in manner as in the said Libel Set forth. The Defendant says he is unacquainted and Denies that the said Stephen Yoakley in the Libel mentioned Delivered to the Libellant Rachel a Negroe Woman named Esther and a Negroe Child named Dinah as Security for the Payment of the aforesaid Sum of Twenty Eight Pounds in manner as in the said Libel is Set forth. But this Defendant Says that he is rather inclined to Believe that if the aforesaid Negroes were ever Delivered by the said Stephen to the said Libellant Rachel in Satisfaction of the Legacy aforesaid, that they were afterwards Purchast by the Said Stephen or (in his Absence) by the said Martha of the said Rachel for that after the Death of the Said Stephen Yoakley in the Libell mentioned the aforesaid Martha Administred on the said Deceased's Husband's Estate and that the Libellant Rachel lived with her Mother the said Martha until her Intermarriage with the said William Stringer her first Husband which happened about Eighteen or Nineteen Years agoe. The Defendant Admits that the said Martha departed this Life Some Time in the Month of October Seventeen hundred and forty Two Possest of the Negroes aforesaid. and Left behind her a Considerable Personal Estate and made her Last Will and Testament in Writing and appointed the Defendants in the Libel mentioned her Executors who proved the same and took upon them the Burthen of the Execution thereof in manner as in the said Libel set forth. The Defendant Admits that by Virtue of the Will aforesaid and the Administration to them Granted the Defendants Possest themselves of the said Deceased's Personal Estate and Negroe Woman and Child aforesaid. This Defendant Admits that the said Libellant Rachel her former Husband Departed this Life in manner as in the said Libel set forth for any thing this Defendant Knows to the Contrary, and after his Death she Intermarried the Other Libellant Joseph Willburn Simmes as in the said Libel Set forth. But this Defendant does not Admit it to be true that the Libellant Rachel Before her Last Marriage and that the Libellants Since their Intermarriage did ever demand of and from the aforesaid Martha during her Widowhood the Negroes or Legacy aforesaid in manner as in the said Libel is Set forth. But this Defendant Admits that since the Death of the said Martha and the Probate of the Will aforesaid and the Administration Granted to the Defendants the Libellants Demanded of them the Negroes aforesaid. Without that, that any Other matter or thing in the Libellants said Libel Contained, material or Effectual in the Law for this Defendant