

Maryland &c.

At a Prerogative Court held at the City of Annapolis in Annarundel County for the Province aforesaid on the second Tuesday of March being the thirtieth day of the same month Anno Domini 1738

Present.

The Honorable Daniel Dulany Esq^r Com^{dy} General

Who Orders the Decree of Cause to be called over and proceeds therein as follows Viz^t

W.C.

25th May 1737

E. J.

Roger Poole for himself and on Behalf of his two Brothers Samuel & Robert Poole

Annarundel

Libell & Answer

William Poole Administrator of Samuel Poole and Robert Poole late of Annarundel County in the Province of Maryland Deceased. -- Which follows in these Words Viz^t

To the Honorable Daniel Dulany Esq^r Com^{dy} General & Chief Judge for Probate of Wills & Granting Administrations within the Province Maryland

The Libell and Complaint of Roger Poole of Salem in the Province of Massachusetts Bay in New England Shipwright eldest Son & on Behalf of Robert and Samuel Poole his two Brothers Sons and Legal Representatives of Roger Poole of Salem in the Province aforesaid Deceased Which said Roger Poole Deceased was one of the Brothers of Samuel Poole and Robert Poole of the Province of Maryland aforesaid Deceased

Lumbly sheweth unto your Honour that the said Samuel Poole some time in the month of May Anno Domini Secontoon hundred and thirty three Dyed Intestate without Wife or Children having three Brothers alive to wit William Poole the Respondent hereafter mentioned John & Robert Poole And your Libellant the aforesaid Roger Poole & his two Brothers aforesaid Children of the aforesaid Roger Poole Deceased That aforesaid Roger Poole your Libellants Father in & about the Year of our Lord one thousand seven hundred & twenty three at Salem in New England aforesaid Dyed Intestate before Brother the aforesaid Samuel Poole leaving behind him your Libellant and his two Brothers the aforesaid That your Libellant Consors in Behalf of himself & his Brothers aforesaid he is entitled to an equal & Distributive Share of the said Samuel Poole his Personal Estate with the rest of the then Surviving Brothers

That the aforesaid William Poole took out Letters of Administration of the said Samuel Poole Personal Estate entered into Bond for the well & truly Administring the same according to Law and your Libellant is informed Returned Inventory or Inventories with Lists of Spent & Disposed Debts and past Account or Accounts of his Administration of the Deceaseds Estate aforesaid in the Commissary Court aforesaid But before any Inventory was returned the said Roger Poole Robert Poole sometime in the month of September 1733 Dyed also Intestate without Wife or Children & Possessor of a Personal Estate Whereby the said William Poole the now Respondent & the said John Poole the other Surviving Brother of the aforesaid Robert Poole and your Libellant on Behalf of himself and his Brothers aforesaid (as he consors) became entitled to a Distributive Part of the Personal Estate of the said Robert Poole whereof he dyed Possessor of and that the said Respondent William Poole likewise took out Letters of Administration to the said Robert and entered into Bond for the due Administration thereof

That your Libellant on Behalf of himself and his Brothers aforesaid legal Representatives of the said Roger Poole Deceased being entitled to one fourth Part of the said Samuel Poole Personal Estate & in Right as aforesaid being entitled to one third Part of another fourth Part of the said Samuel Poole Personal Estate as Children of the said Roger Poole & Representatives of the said Robert Poole Deceased to

March Court - 1738

Said Robert Poole was intitled in his Life time to one fourth Part of the said Samuel Poole his Personal Estate and your Libellant as aforesaid being intitled to one third Part of the Estate of the said Robert Poole Dyed Testate of -

Your Libellant for himself & on Behalf as aforesaid & by his friends & Acquaintances have made frequent Applications to the Respondent William Poole your Libellants Uncle & requested the Respondent in a friendly Manner to come to an Account with your Libellant & off and on Account of the aforesaid Administrations & to pay & satisfy what should appear to be fairly due to your Libellant by Reason of the Promises and offered to give Security to Respond in Case of Latent Debts Yet the Respondent hath altogether refused so to do or to pay any Part thereof to your Libellant upon Protest (Altho the Respondent is fully convinced in his Conscience & likewise believes & Acknowledges your Libellant to be the Son of his Brother aforesaid Roger Poole) That as your Libellants Father had for many Years been absent from Great Britain & from his friends and Relations that therefore he thought Incumbent on your Libellant to prove his Fathers Marriage and that he is the Son of Roger Poole the Respondents Brother and that the Respondent could not justly be paying away any Part of the Estates of the said Samuel & Robert Poole to the Libellant until such Proof was made & without the special Order & Direction of the High Court of Chancery of this Province or his Honorable Court for his so doing IN TENDER Consideration whereof for as much as your Libellants Witnesses to prove your Libellants Fathers Marriage and that this Libellant & the aforesaid Robert & Samuel Poole are the Sons of the said Roger Poole the Father aforesaid and that your Libellants Witnesses that can prove the same are either old & infirm or otherwise Suffering Poverty & beyond Sea out of this Province living in Great Britain or the Province of New England aforesaid and that your Libellant cannot examine the Witnesses aforesaid In Perpetuam rei Memoriam to preserve their Testimony without the Aid & Assistance of this Honorable Court TO THE END therefore that the aforesaid William Poole may true & perfect Answer make to all & singular the Promises and whether he had not a Brother named Roger Poole as aforesaid who went to Sea and whether he does not know or believe that he was thereafter married at Salem aforesaid and whether he does not believe that the now Libellant is the Son of the said Roger Poole the Respondents Brother and that the said Respondent may relate the whole Circumstances or Causes of his Belief and whether he does not know & believe that the Doctt Book or Book of Accounts now produced to him is the proper hand Writing of his Brother Roger Poole aforesaid whether Application was not made by the Libellant or Behalf of himself & his Brothers aforesaid to the Respondent to render an Account of the Estate of the aforesaid Samuel & Robert Poole and for Payment of what Share thereof did belong to him as aforesaid and whether the Libellant hath not tendered to give Bond to Respond in Case of Latent Debts and whether he did not refuse so to do for the Reasons aforesaid or what were the Reasons of such his refusal and that the Respondent may true & perfect Answer make to all & singular the Promises aforesaid -

May it therefore please your Honour the Promise considered to grant unto your Libellant his Lordships Commission under the Seal of this Honorable Court to be directed to such Persons as your Honour shall think most inhabiting in London for taking the Answer of the aforesaid John Poole to all & singular the promises above mentioned and Commission as aforesaid to such Persons as your Honour shall think most inhabiting in Salem aforesaid in the Province aforesaid and likewise Commission to such Persons as you shall think most inhabiting within this Province for examining your Libellants Witnesses in Perpetuam rei Memoriam for the proof of the matters aforesaid and also his Lordships Writ of Subpna directed to the said William Poole thereby Commanding him at certain Day therein limited & expressed personally to be & appear before your Honour in this Honorable Court to answer all & singular the Promises aforesaid & to stand and abide such order therein as to your Honour shall seem meet

And your Libellant shall Pray &
William Cumming & Libell.

Whereupon the said Roger Poole for himself and on Behalf of his two Brothers Samuel Poole & Robert Poole hath his Lordships Writ of Citation to them Granted Directed to the Sheriff of Amherst County Commanding him to cite and summon the said William Poole that he do and appear & to answer the Promises aforesaid Returnable to the second Tuesday of July then next -

At which said second Tuesday of July being the twelfth day of the same month Anno Domini 1737 and the Day of the Return of the Precept aforesaid comes again the said Roger Poole for himself & on Behalf of his two Brothers Samuel Poole & Robert Poole by William Cumming Esq. their Procurator aforesaid and the Sheriff of Amherst County aforesaid to whom the same precept was Directed likewise come & make their Return to the Court here Indorsed
Summoned by Zach: Macculbin Sheriff -

March 1734
 Wherupon the said William Poole by Samuel Jennings Esq^r his Procurator appears
 and files his Libell^e & Complaint of the said Hago^r Poole, Samuel Poole & Hago^r Poole which
 answer is herewith & follows in these words viz^t -

x^o

The Answer of William Poole Merchant Respondent to the Libell^e
 Complaint of Hago^r Poole on Behalf of himself and Rob^t & Samuel Poole his
 Brethren Libellants -

This Respondent now and at all times hereafter saving and reserving to himself all and
 all manner of Benefit & Advantage of & p^rty to the benefit & convenience & satisfaction
 of the Libellants Rob^t & Samuel Poole or Complaint for Answer thereto or to such much thereof as this
 Respondent is advised is any way material for him to make Answer unto Answereth that
 he doth not admit that Samuel Poole in the Libell^e or Complaint mentioned & doth justly
 leave behind him his Respondent & John & Robert Poole his three Brethren (which said
 Rob^t Poole is since Deceased) in manner as in the said Libell^e & Complaint is set forth -

This Respondent admits he had a Brother named Hago^r Poole & that the aforesaid Hago^r Poole
 was the third Son of Samuel Poole the Respondent's Father that the Respondent was the
 eldest the aforesaid Samuel Poole the Respondent's Brother Deceased the second Son the aforesaid
 Hago^r Poole the third the aforesaid John the fourth and the aforesaid Robert Poole the fifth Son
 of the aforesaid Samuel Poole the Respondent's Father -

And this Respondent says that after his Father's Death the aforesaid Hago^r his Brother was
 bound an Apprentis to one Captain Gurney Captain of one of his Majesty's third rate
 Men of War named the Defiance as this Respondent has been credibly informed and
 believes & made some Voyages to Sea with him but before the Expiration of his Apprentis
 time the aforesaid Captain Gurney at the Island of Barbadoes Dyed that after the first
 News this Respondent heard of his Brother was that he was gone for Newfoundland that
 this Respondent does not remember to have heard of the aforesaid Hago^r there after till
 the Year Seventeen hundred that he had Intelligence he was at New England and
 thereupon the Respondent wrote to his Brother Samuel Poole then here in Maryland
 that he had an Account that their Brother Hago^r was alive in New England -

And the Respondent admits that the Libellants Hago^r Poole eldest Son of the aforesaid Hago^r
 Poole since the Death of the aforesaid Samuel & Robert the Respondent's Brethren on Behalf
 of himself & the aforesaid Robert & Samuel his Brethren the legal Representatives of their
 Father aforesaid made frequent Applications to this Respondent and offered to give
 Security in Case of Default both in manner as in the said Libell^e & Complaint is set forth
 and that this Respondent for the Reasons and Causes set forth in the said Libell^e & Complaint
 that as the Libellants aforesaid had been for many Years absent from Great Britain and from
 his Friends and Relations he therefore refused to comply with such Request that the
 Respondent thought it incumbent on the Libellants to prove his said Father's Marriage
 and that he is the Son of the aforesaid Hago^r Poole the Respondent's Brother and that he
 could not for the Reasons aforesaid in Law justify the paying away any Part of the
 Estate of the aforesaid Samuel & Robert Poole to the Libellants without the Order &
 Direction of the High Court of Chancery of this Province or this Honorable Court -

And this Respondent admits that he took Letters of Administration of the aforesaid Samuel
 Poole his Brother his Personal Estate subd into Bond and returned Divers Inventories with List
 of Goods and Chattels Debts & Past Accounts of his Administration and that the aforesaid Robert
 Poole the Respondent's Brother likewise Dyed and that the Respondent likewise administered out
 Estate in manner as in the aforesaid Libell^e or Complaint is set forth -

And this Respondent says that if he can obtain Knowledge he does not know that the aforesaid
 Hago^r Poole the Respondent's Brother was married at Salem in New England aforesaid or at any
 other place or that the aforesaid Hago^r Poole at Salem aforesaid Dyed intestate before his Brother the
 aforesaid Samuel Poole leaving behind him the aforesaid Hago^r Poole the Libellant and his two
 Brothers aforesaid in manner as in the aforesaid Libell^e or Complaint is set forth -

But this Respondent says that from the many concerning Circumstances related to him by the
 aforesaid Hago^r Poole the Libellant concerning the aforesaid Hago^r Poole his Father and the Respondent's
 Brother and of many occurrences happened between the Respondent and his Brother when Young
 and at School which the Respondent remembers and knows to be true he also that the Respondent's
 Father profest himself of the Religion of the Church of England and that the Respondent's Brother was a
 Dissenter and that for the most Part she carried this Respondent and the rest of the Children with her to
 meeting and that she used to Div a particular Kinman's House which several Particulars with many

March Court - 1738

Others the Libellant informed the Respondent as Related to him by his ffather aforesaid which this Respondent likewise knows to be true - -
As also the Libellant has producing to this Respondent a Book which did belong to his ffather aforesaid which the Respondent knows & Believes to be the proper hand Writing of the aforesaid Roger Poole this Respondents Brother. Whom this Respondent is charged by his Brother with a sum of money but the Respondent and therein Credit is given for Payments made him by the Respondent which he likewise knows and admits to be true ~~ffrom~~ which see the Circumstances with the Resemblance the aforesaid ^{Libellant} Roger hath to the Respondent and his ffathers family with the Attested Certificates of the Marriage of the aforesaid Roger Poole the Respondents Brother aforesaid and the Birth of the Sons aforesaid Which said Certificates the Respondent Prays may be Lodged in this Honorable Court if thought necessary This Respondent is not only induced to believe but likewise does acknowledge the Libellant the aforesaid Roger Poole to be the Son of the aforesaid Roger Poole the Respondents Brother & recover & obtain him as such And therefore Submits to this Honorable Court whether the aforesaid Roger one of the Libellants & his Brothers aforesaid are entitled to a Distributive Part of the Personal Estates of the aforesaid Samuel & Robert Poole the Respondents Brothers aforesaid - -
Without that that there is any other matter or thing in the Libellants said Libell or Complaint material or Effectual for this Respondent to make Answer unto and not heron or heron before well & sufficiently answered unto confessed or avoided traversed or Denied is true all which this Defendant is ready to Avow justify maintain & Prove as the Honorable Court shall award And therefore Prays to be hence Dismissed with his reasonable Costs and Charges in that behalf Sustaind
Edm: Jennings pro Respond.

The fforgoing William Poole makes Oath on the Holy Evangelists of Almighty God that what he hath heron answered as of his own Act or certain Knowledge is true and what he hath answered as of his belief or the Act of another he believes to be true and what is heron Denied is not true to the best of his Knowledge - -

Sworn to this 13th Day of July 1737
Before me -
Cory: 11th

D: Dulany Comy

Afterwards to what the same Court the said Libellants by their Procurator aforesaid ffile a Certificate of their ffather Marriage which is ordered to be Retrod and follows in these Words viz^t
X^o Roger Poole & Margaret Kempton were married the ffifteenth day of November Anno Domini 1709 by Mr Nicholas Rogers Minister of Salem as appears on Salem Town Record of Marriages

Salem November 13th 1736 -

Attest John Higginson F. Clerk

Roger Poole married to Margaret Kempton vid^{et} Nov^o 15th 1705
Their Son Roger born August 5th 1710
Their Son Robert born August 29th 1712
Their Son Samuel born March 20th 1716/17

Salem November 13th 1736

As of Record appears in Salem Town Book of Births &c^t

Attest John Higginson F. Clerk

Province of the Mass^{es} Bay in New England

So it knowne manifest to all People whom it doth or may Concern that John Higginson Esq^r under whose hand the above Copies are certified & Attested in the Clerk of the Town of Salem admitted and sworn And therefore ffith & Credit is and ought to be given to the same In Testimonium Veritatis Signo meo Manuali Solito signavi et Sigillum proprius regatus Decimo Septimo die Novembri Anno Domini 1736

Micheal Sewall Not Pub^l

Marys County) Then came Captain Thomas Doan and Captain Paul Mansfield both Inhabitants of the Town of Salem in New England before me William Doan one of his Lordships Justices of the Peace for the County of Marys and made Oath on the Holy Evangelists of Almighty God that Roger Poole (a young man now appearing before me) is the reputed Son of Roger Poole and Margaret his Wife Inhabitants of the Town of Salem aforesaid As witness my Hand & Seal
W: Doan

April 1737

Then personally appeared Malachi Comyng and John Webb both Inhabitants of the Town of Salem in New England and made Oath on the Holy Evangelists of Almighty God that Roger Poole (who now makes his personal Appearance before me) is and has been the reputed Son of the within named Roger Poole and Margaret his wife of the Town of Salem in New England aforesaid

Malachi Comyng
John Webb Jun^r

wrote the Day and Year aforesaid
W: Rogers

At which said next Court to wit the second Tuesday of September being the 13th Day of the same month Anno Domini 1757 Came again the said Parties Libellants & Respondents by their Procurators aforesaid and who was long before to wit on the 12th Day of August last the Commission having issued to examine with respect to the Alleged and Averred Marriage of Samuel Poole Libellant & Thomas Barton Johaned Staister John Hygginson & Samuel Barward of Salomon in New England with any other or two of them or retainable with all convenient Speed and also the Commission having issued to wit on the Day last mentioned to take the Oath of the aforesaid John Poole Directed to William Hunt Robert Cushman Charles Rogers and Philip Smith of London Merchants or any three or two of them Notwistanding with all convenient Speed Return to the said Commission This Cause is continued until next Court and the same Day is given to the Libellants & Respondents also

At which said next Court to wit the second Tuesday of December being the 8th Day of the same Month Anno Domini 1757 Came again the said Parties Libellants and Respondents by their Procurators aforesaid But there being no Motion of the Commission that should in this Cause it is continued until 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 10th Day of the same Month Anno Domini 1757 Came again the said Parties Libellants and Respondents by their Procurators aforesaid But there being no Motion of the Commission that should in this Cause it is continued until 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 March being the 14th Day of the same Month Anno Domini 1757 Came again the said Parties Libellants and Respondents by their Procurators aforesaid and the Commission to whom the aforesaid Commission was issued to examine Evidence in relation to New England was directed having made return thereof to the Court here with the Deposition taken by Oath thereof and also directed to his Honour the Judge and Esquire Poole of Salomon in New England aforesaid Mariner being sworn in Relation thereto to take the same from Thomas Barton Johaned Staister John Hygginson & Samuel Barward of Salomon aforesaid Esqrs. Scilicet which hath been in this Deposition whereby it appears the Delivery thereof and that the same hath not been opened or unsealed in any way allowed until the Delivery thereof to the Judge aforesaid

And thereupon it is ordered (by Consent of Parties) that there now be a Publication of the same which (together with the Interrogatories filed on the Part of the Libellants & on the Part of the Marriage & both the Oaths annexed) are accordingly published and are as follows to wit

Maryland &c.
x²

Interrogatories to be administered to Witnesses to be produced sworn and examined on the Part & Behalf of Roger Poole of Salomon in the Province of Massachusetts Bay in New England Son of Robert and Samuel Poole his two Brothers Sons and legal Representatives of Roger Poole of Salomon in the Province of Massachusetts Bay aforesaid Mariner deceased Libellants against William Poole of London Town in the Province of Maryland aforesaid Son of Samuel and Robert Poole deceased and John Poole of London Merchant Respondents

Inprimis

1. Do know the parties aforesaid Libellants & Respondents or either and what of them and how long have you known them or either and what of them. Declare the Truth and your Knowledge
2. How did you know the aforesaid Roger Poole deceased have mentioned to be the Father of the aforesaid Roger Robert and Samuel Poole Libellants in his life time How long did you know the aforesaid Roger Poole before his Death About what time did he die Where was he at the time of his death and during the time you know him Do you know or have you heard him tell of what Country he is or is born or is descended from and of what Family and Relations Declare what you know of your own Knowledge thereof and what was related to you by him thereof in his life time
3. Did the aforesaid Roger Poole the Father aforesaid marry with any and what Woman and if so was you present at the Marriage and when and where How many Children had the said Roger Poole in Woodstock And the now Libellants Roger Robert and Samuel Poole aforesaid the Children born in Woodstock And the now Respondent Poole aforesaid Declare the Truth of your Knowledge or Belief of the said Roger Poole deceased Son as aforesaid Declare the Truth of your Knowledge or Belief with the Names of your Knowledge & Belief
3. How do you know of any other Matter or thing or have you heard or can you say any thing touching the Matter in Question that may tend to his Benefit or Advantage of the Libellants in this Cause Consider what you have been before interrogated unto before the same fully and at large as if you had been thereunto particularly interrogated

William Cunningham ff Libellants

March fourth - 1738

Depositions of Witnesses taken at Salem in the County of Essex in his Majesty's Province of the Massachusetts Bay in New England at the House of Burgesses Hall Dwelling at the Sign of the Ship on the 8th Day of December Annoq^{ue} Domini 1737 By Virtue of a Commission issuing out of the Prerogative Court of the Province of Maryland Directed to us whose Names & Seals are hereunto Sett for the Examination of Witnesses accertain'd in the said Court Depending betwixt Roger Doole in Behalf of himself and Robert and Samuel Doole his Brothers Libellants against William Doole Deceased of Samuel Doole & Rob^t Doole Deceased and John Doole Respondent on Behalf of the Libellants

Perez Webb of Salem in the County of Essex in New England aged about fifty seven Years All which Produced Sworn & Examined on the Part & Behalf of the Libellants Saith as followeth

As to the first Interrogatory he saith That he well knows the Libellants Roger, Robert and Samuel Doole but has no Knowledge of the Respondent

Item as to the second and third Interrogatories he saith That he knows and was well acquainted with Roger Doole Deceased the Father of the Libellants from his first coming into this Country about thirty Years since and sailed with him severall Voyages and did frequently hear him say that he was born in London in Bishopgate Street next Door to the Sign of the Magpye & since and showed him if possible he should happen to be in London to inquire at the place before mentioned whether any of the Family of the Dooles were living and further saith that he was well adwors the said Roger Deceased was married to Margaret Kempton of Salem by whom he had three Sons (in his own Knowledge) viz: Roger, Robert & Samuel the Libellants and further saith not

Perez Webb

The: Barber
Schabod Plastered
John Higginson
Sam^l Barnard

Margaret Stone of Salem in the County of Essex in New England aged about fifty five Years All which Produced Sworn & Examined on the Part & Behalf of the Libellants Saith as followeth

As to the first Interrogatory She saith that she well knows the Libellants and has known them from their Birth but knows not the Respondent, but by Information

Item as to the second & third Interrogatories She saith that she knows Roger Doole Deceased the Father of the Libellants from about the Year 1701 to the time of his Deceased which was on the 8th Day of June 1723 - During which time his Residence was at Salem aforesaid That the said Roger Deceased and the Defendant were married at Salem aforesaid on the 15th of November 1709 by M^r. Nicholas Noyes That the Defendant bare three Children in Wedlock to the Deceased Roger viz: Roger, Robert & Samuel the Libellants & no other That the said Roger the Father of the Libellants Died intestate This she Declares of her certain Knowledge and further saith the Deceased Roger frequently told her he was born in London in Bishopgate Street near the Magpye and since That his Fathers name was Samuel Doole That his Father was undertaken by with his Wifes Brother and that they kept a Silk Shop and Dealt in raw Silk that there were two Doors out of the Shop one into his Fathers the other into his Uncles Dwelling House That when his Father Died his Door was fastned and the Goods all removed under pretence that his Father had signed some Writing which occasioned a Law Suit betwixt his Mother & her said Brother That the said Roger Deceased at the time of his Fathers Deceased was at Seale in the County about 15 Miles from London That he had then four Brothers William John Samuel and Robert and one Sister only That his Brother John was pleased to a Bellflower and that he himself lived with a Colation which was a Master or a Captain of a Ship or Man of War and that one time when they came to England his Brother John came on Board the Ship with a Design to leave his Master but that he discouraged him & persuaded him to return he accordingly told him a story that the said Roger had an Aversion or Antipathy to Colours and frequently told her his Father had the like Aversion That when he had been about some time and returned home his Brother Robert not remembering his Cousins name called for the Colours to know if it was his Brother That he frequently told her his Father was of the established Church and his Mother a Dissenter That the greater Part of the Children went to meeting with their Mother and usually dined with one of their Uncles That one of his Uncles gave him a Legacy of twenty pounds which he received before he came from England and that his said Uncle had given the like sum to each of his the said Rogers Brothers That about twenty one Years since the said Roger met (as he informed me) with a man in Jamaica that told him his Brother John was living in England and that he the said Roger thereupon wrote several Letters to the said John but never received any answer and further saith not

Marg^r: her Stone
Mark

The: Barber
Schabod Plastered
John Higginson
Sam^l Barnard

Margt Court. 1738

Margaret Cook of Salem in the County of Essex in New England aged about forty one years
Altho she produced Swoon and Examined on the Part & behalf of the Libellants saith as
followeth -

Imprimis -

As to the first Interrogatory she saith That she well know the Libellants and has
known them from their Birth but knows not the Respondents -

Item As to the second and third Interrogatories she saith that she know Roger Poole the
father of the Libellants that she know him about thirty years during which time her
husband was at Salem and that she lived about seven years in the same house with him
and was in the room with him when he died which was about the 5th of June 1723 and
that in his life time she frequently heard him say that he was born in London that
his father's name was Samuel and that he had a brother named Samuel and that
he named one of his sons Samuel after his father's brother that he had several other
brothers whose names she had forgotten that he had a sister whose name was Anne
that he the said Roger said he was at school in the country when his father died and
further saith not.

The Baron
Jehad Sturtevant
John Higginson
Samuel Barnard

Margaret ^{her} Cook
mark

Sarah Bond of Salem in the County of Essex in New England aged about 52 years a
litho she produced Swoon & examined on the Part & behalf of the Libellants saith
as followeth -

Imprimis

As to the first Interrogatory she saith that she well know the Libellants Roger
Robert and Samuel Poole and hath known them from their Birth but knows nothing
of the Respondents -

Item as to the second and third Interrogatories she saith that she know Roger Poole the
father of the Libellants from his first coming to Salem which was more than thirty
years since to the time of his Decease which was about fourty years since During
which time he resided at Salem That he was married by Mr Hoge at Salem to Margt
Kempster of Salem about 20 years since that she was present at their marriage That she
had three Children born to him in Woodcock try of Roger Robert & Samuel the Libellants
that she lived in the same House with the said Roger Poole many years and was
present at the Birth of each of the Libellants Roger Robert and Samuel that she
doe know upon her certain Knowledge and further saith that the said Roger Poole
Died at his first coming to New England and at other times told her that he was
born in London and that his father's name was Samuel and that he was a little more
or less at Mr Hoge in London and that he the said Roger had a brother Samuel and a
brother Robert and other Brothers and that she asked him the reason of his naming his
Child Samuel who told her it was because his father and Brothers names were
Samuel and further saith not.

The Baron
Jehad Sturtevant
John Higginson
Samuel Barnard

Sarah ^{her} Bond
mark

Daniel Poole of Salem in the County of Essex in New England aged about forty eight
years Altho she produced Swoon & examined on the Part & behalf of the Libellants
Roger Robert and Samuel Poole saith as followeth -

Imprimis

As to the first Interrogatory he saith that he know the Libellants Roger Robert and
Samuel Poole but has no Knowledge of the Respondents -

Item As to the second and third Interrogatories he saith that he know Roger Poole
of Salem Deceased father of the Libellants from his first coming to Salem aforesaid
which was about thirty years since until his Decease which was about seven teen
years since During which time he dwelt at Salem and was there when the Deceased
being present at the funeral That the said Roger Poole Deceased counted one
Margaret Kempster of Salem aforesaid (whom the Deceased then boarded) to whom
the said Roger was married about the year one thousand seven hundred and nine by
the Rev Mr Nicholas Hoge at Salem aforesaid when and where the Deceased was
present at their marriage That the Deceased then became a partner in the said Roger
Poole's family and continued so eight or nine years from the time of his aforesaid marriage During

which time the said Hogs. had three sons born to him in Woodlock Viz. Roger Robert and Samuel the Provent. 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 Hogs. Doole Deceased and that he did hear the said Hogs. Doole Deceased frequently say that he was born in London and further saith not

Daniel Webb

Tho: Barton
Ichabod Rawsted
John Higginson
Samuel Bernard

Roger Doole and Margarall Hampton were married by Mr Nicholas Hoyer a Minister in Salem on the fifteenth day of November Annoq: Domini 1709 As appears from Salem Town Book of Marriages

Attest John Higginson Town Clerk

Salem December 8th 1737

Roger Doole married to Margarall Hampton Vid: Nov: 15th 1709

Their son Roger born August 5th 1710

Their son Robert born August 29th 1712

Their son Samuel born March 23rd 1716/17 As appears in Salem Town Book of Births

Attest John Higginson Town Clerk

Salem December 8th 1737

Salem December 8th 1737

Procuree of the Massachusetts Bay in New England - Doth shew & Manifest unto all Dooles whom it doth or may concern that John Higginson Esq: under whose hand the above Copye are certified and Attested in the Book of the Town of Salem Admitted and sworn and therefore of Faith & Credit is and ought to be given to the same In Testimonium Veritatis Signatus Manuali Solito Signavi et Sigillum Officii apposui

Mitchel Sowall No: Pub:

The above Certificates of Marriage of Hogs. Doole Deceased and of the Births of the Libellants Roger Robert & Samuel are sufficiently certified and Attested by the proper Officers for that purpose according to the Law and the Practice of this Province

Tho: Barton
Ichabod Rawsted
Sam: Bernard

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 Doole 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 Domini 1738 Came again the said Parties Libellants & Respondent by their Procurator 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 Domini 1738 Came again the said Parties Libellants & Respondent by their Procurator 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 Domini 1738 Came again the said Parties Libellants & Respondent by their Procurator 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 Domini 1738 Came again the said Parties Libellants & Respondent by their Procurator 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 Domini 1738 Came again the said Parties by their Procurator aforesaid Whereupon it is ruled that this Cause be heard next Court in Court on the several Provisions aforesaid with Liberty to all Parties concerned to make use of any other Paper or Answer that shall be received from the said John Doole in the mean time and thereupon 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 March being the thirtieth day of the same month Anno Domini 1738 came again the said Roger Poole for himself and on Behalf of his two Brethren Samuel and Robert Poole the Libellants by William Cannon Esq. their Procurator aforesaid but neither the said William Poole the Respondent nor his Factor aforesaid came altho they had due and humble 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 thirtieth day of March Anno Domini one thousand seven hundred and thirty eight, pronounced and did give in Manner following

x.

In the Name of God AMEN I Daniel Dulany Esq. Comissary 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 Annapolis County Merchant Decedent of Robert Poole late of the same County Esq. Decedent of William Poole of Annapolis 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 Decedent on the one Part and the said William Poole ^{against} whom it is complained for the Matter in the Libel of the said Roger Poole contained of the other Part; the said Roger Poole the Party complaining appearing by his Doctor before me in Judgment and Notice the said William Poole the Respondent nor his Doctor appearing before me although they had due and humble Notice so to do and the Doctor 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 Libel the Answer of the Respondent and the Examination 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 Matters and things which by Law ought to be observed in this Behalf I have thought and do thus think fit to proceed to the giving my Definitive Sentence or final Decree in Manner following Viz. For as much as the Doctor of the said Roger Poole hath sufficiently proved his Intention in the Libel proposed 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 objected deduced alleged 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 Respondent by his Answer upon Oath confirms fortifies and corroborates the Testimony of the Witnesses examined on his part of the said Roger Poole and hath expressly confessed many of the material Facts alleged in the said Libel Therefore I the said Comissary 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 of all Debts due from the Decedent persons the Change of their Furniture and all other ^{Charges} owing on the said Decedent being first Deducted out of the whole and that one third Part of the clear Balance be paid by the Respondent William Poole to the said Roger Poole the Complainant and to the Representatives of the said Roger Poole Decedent They first giving Security to pay an equal Part of any Debts which shall ^{be} appear to be due from the said Samuel and Robert Poole Decedent and with what the Law will charge the said William Poole as Administrator and also to save Hamblet and indemnified the said William Poole from all and every Claiming or who shall claim the said third Part of the said clear Balance

D. Dulany Comy

422

So the Sheriff of Kent County ag^t Henry Fustock of the said County to show Cause why the last Will and Testament of Cornelius Ryan late of the County aforesaid Decedent whose Alleged Ryan Decedent is left void by the said Decedent's last Will and Testamentary granted thereon (at the Instance and Request of the said Fustock)