simple title in said lands unincumbered by any claim such as that set up by the said Complainants in the said bill of Complaint. He also states that the said C. W. Semmes is dead and left a widow who is still living. As to the other allegations in said bill as the Defendant has before stated he knows nothing of his own knowledge, and prays that the said Complainants may be required to prove the same.

And for further answer this Defendant saith that if the said Complainants Ever had any Cause of action or suit against this Defendant for or concerning any of the matters in said bill mentioned which this Defendant doth in no sort admit such Cause of action or matters did accrue or arise above twelve years before the filing of this said bill, or before serving or suing out process against this Defendant, to appear to and answer said bill, nor did this Defendant at any time within twelve years next before the bill was Exhibited or process served on or issued out against this Defendant to appear to and answer the same, promise or agree to come to any account for or to make satisfaction or to pay any sum or sums of money for or by reason of the said Matters charged in said bill. All which matters and things this Defendant doth aver and plead in bar of the said Complainants present bill of Complaint, and prays Judgment of this Court whether he shall be Compelled to make any further answer to the said bill and prays that he be hence dismissed with his Costs in this behalf sustained,

Geo Brent for Respondent

Annexed to the aforegoing answer is thus written towit:

State of Maryland Charles County towit:

On this 16th day of July in the year 1846 before me the subscriber a justice of the peace of the State of Maryland in and for the County aforesaid personally appears Josias Clements and makes oath that the matters and things stated in the aforegoing answer are true to the best of his knowledge and belief. Sworn before James McCormick

And the said Complainants by their solicitor aforesaid, to the said answer of the said Defendant say that they will not admit any of the allegations contained in said answer but by way of general reply deny all of said allegations and submit the same to the Court, and the said Defendants in like manner &c forth. Afterwards towit on the first day of December 1846 the said Commissioner to whom the said Commission was in form aforesaid directed, makes return thereof to the Court here with the following depositions and Exhibits towit:

At the execution of a Commission issued out of Charles County Court sitting as a Court of Equity issued the ninth day of September 1845 directed to James McCormick of Charles County Empowering him to Examine Ex parte Evidence in a Cause depending in said Court between Elizabeth Ford Adx of William P. Ford & Richard Gardiner are Complainants & Josias Clements is Respondent. I the said Commissioner in the said Commission named having met on the twenty third day of July 1846 at Port Tobacco in the County aforesaid pursuant to notice and taken the oath to the said Commission annexed and Richard H. Mitchell having taken the oath likewise to the said Commission annexed the Commissioner in the said Commission named proceeded to take the following depositions towit:

Sylvester F. Gardiner a witness produced being sworn on the Holy Evangelly of Almighty God deposeth and saith in answer to the following

interrogatories

Interrogatory 1st Do you know the parties to this suit?

Answer Yes I do.

Inty 2d Look at the paper marked A and say whether it is in your hand writing and whether you have received the money and what said money was paid for, and how much money did you receive for & on account of said claim?

Answer Mr Marshall as agent for Mrs Elizabeth Ford Admx of William P. Ford has paid me her proportionable part of a judgment filed in this Cause marked A in full which part amounted to the sum of two hundred and four Dollars & twenty five cents.

Inty 3d State upon what claim & what account said Judgment was obtained, and whether you obtained Judgment on said claim against any other parties, State how much & all you know?

Answer It was on account of William P. Ford & Richard Gardiner's becoming security on Leonard Coomes bond given for land which he Leonard Coomes Elected to take. Richard Coomes a brother of Leonard Coomes was one of the heirs, and I obtained Judgment as administrator of Richard Coomes. I also obtained judgment against Richard Gardiner as Co security with William P. Ford making the whole amount received from them four hundred and eight Dollars and fifty cents for said judgments.

Inty 4th Who has now possession of the land?

Answer I believe Josias Clements has.

Inty 5th Who did this land originally belong to?

Answer It originally belonged to Old Mr Coomes Father of Leonard & Richard Coomes.

Intgy 6th At old Mr Coomes death was this land Elected to be taken by Leonard Coomes?

Answer Yes. I presume so.

Inty 7th Where is Leonard Coomes now?

Answer He left Maryland about twenty years ago and has never since returned.

Inty 8th Did Leonard Coomes leave any other property either real or personal in the State of Maryland Except the land Elected to be taken by him?

Answer None that I know of.

The Commission then adjourned to the twelfth day of November next

Thursday the twelfth day of November the Commission met according to adjournment, when the following papers were filed by Complainants to be returned with the Commission. No 1 The record of proceedings in Charles County Court as a Court of Equity on the petition of Leonard Coomes for the division of the real Estate of Richard Coomes deceased.

No 2 The record of proceedings in a case in Charles County Court, wherein the State of Maryland at the instance and for the use of Sylvester F. Gardiner administrator of Richard Coomes were Plaintiffs and Elizabeth Ford Admx of Wm P. Ford Defendant.

No 3 The record of proceedings of a Case in same Court wherein the same parties were Plaintiffs & Richard Gardiner is Defendant. And there being