Gaither departed this life some time in the year eighteen hundred and forty three possessed of considerable real and personal estate. And this respondent further answering saith he is informed said Agnes Gaither executed a paper on the 8th June 1838 purporting to be her then last will and testament. Now for it was in accordance with her previously declared intentions or by what means the said Agnes was induced to execute the same this respondent knoweth not. To the charge in said libel alledged relating to the execution of a will by said Agnes on the 23d August 1841 this respondent says he knows of no improper or undue influence used by Samuel Gaither the father of this respondent and the brother of said Agnes, and does not believe that any such influence was used in obtaining the execution of said will. As far as the fact alledged by said libellants that the said Agnes sent for her will written by Nathan Shipley and executed on the 23d day of August 1841 this respondent knows nothing personally but was informed by his father the said Samuel Gaither, that Nathan Shipley did call for it. But this respondent further answering saith that his aunt the said Agnes, as he was informed after executing the same told Ruth Gaither the mother of this respondent that if they at home (meaning as this respondent believes the said libellant Rachel M. Gaither) found it out that she the said Agnes would have no peace. And the said Agnes told the said Ruth Gaither that if any one called for the said will she should not give it up unless she the said Agnes should call for it in person, and that it was to be surrendered to no one else. To that part of the libel which charges that the paper written by Nathan Shipley and dated the 23d day of August 1841 & signed by the deceased & also deposited in the Register office of Montgomery County is not the genuine last will and testament of Agnes Gaither because the said Agnes Gaither at the time of executing the same was not of sound and disposing mind, memory and understanding & capable in law of making a valid deed or contract; this respondent saith that he does believe that the said Agnes at the time of executing the same was of sound and disposing mind memory and understanding and capable in law of making a valid deed or contract. That he knows of no influence or dominion exerted over her but believes that the paper executed on the 23d of August 1841 and purporting to be her last will and testament was the deliberate act of her own head and heart. And this respondent denies all fraud, unfairness and so forth wherewith he may stand charged in the said libel without that that any other matter or thing in the said libel contained, and not herein well and sufficiently answered, confessed or avoided traversed or denied is true. And this respondent therefore avers that the said paper mentioned in said libel and offered for probate in this Court and now filed therein bearing date the 23d day of August 1841 is the last will and testament of Agnes Gaither and that he is prepared to prove the same and prays the same may be admitted to probate as such according to law.

J. G. England }
W. C. Gatt. } for respondent.

Maryland, Montgomery County, to wit.

On this fourth day of December eighteen hundred and forty three personally appears before me the subscriber a Justice of the peace of the State of Maryland in and for Montgomery County the above mentioned respondent Washington Gaither and made oath on the Holy Evangels of Almighty God that the matters set forth in the foregoing answer as of his own knowledge are true as stated and that those stated as of the knowledge of others he believes to be true. B. Lettow.

Which said paper, purporting to be the last will and testament of the said Agnes Gaither bearing date the twenty third day of August in the year of our Lord one thousand eight hundred and forty one referred to in the said answer of the said Washington Gaither one of the defendants in this cause and referred to in the further proceedings of this cause as the paper marked B. is in form following to wit, and filed in the cause.

In the name of God Amen. I Agness Gaither of Montgomery County and State of Maryland being weak in body but of sound disposing mind memory and understanding considering the certainty of death and the uncertainty of the time thereof and being desirous to settle my worldly affairs and thereby be the better prepared to leave this world when it shall please God to call me hence do therefore make and publish this my last will and testament in manner and form following that is to say. First and principally I commit my soul into the hands of almighty God and my body to the earth to be decently buried by my executor hereinafter named and after my debts and funeral charges are paid I devise and bequeath as follows.

Item 1st. My will and desire is that my negro woman Letitia shall go free at my decease and that all her issue both male and female shall go free at the ages of twenty five years.

Item 2d. I give and bequeath to Mary A Gaither daughter of Evan Gaither my negro girl Martha and all her issue until they arrive to the age of twenty five years to her and her heirs or assigns and then to go free.

Item 3d. I give and bequeath to Sarah Ann Mercer wife of Cornelius Mercer my negro girl named Maria and all her issue until they arrive at the age of twenty five years old and then to be free.

Item 4th. I give and bequeath unto Samuel C Gaither son of Washington Gaither my negro boy named named Joshua until he arrives at the age of twenty five years old and then to go free, to him and his heirs and assigns.

Item 5th. I give and bequeath unto Rachel Gaither daughter of Rachel Gaither and her heirs or assigns the sum of ten pounds current money and no more of my estate.

Item 6th. I give and bequeath to Mary A Gaither daughter of Evan Gaither five silver tea spoons and one silver desert spoon to her and her heirs and assigns forever.

Item 7th. I unto my negro woman Letitia at my decease all my right title and interest to her daughter Harriott until she arrives at the age of twenty five years old and then to go free.

And whereas my servant man John is now hired out to William N. Dorsey for three years which time of service will expire in the fall of