Whereupon the Court ordered a subpoena to issue as prayed which accordingly issued in the following words towit:

Charles County Set. The State of Maryland to the Sheriff of Charles County (Seal) Greeting: We command you that you summon Josias Clements late of Charles County yeoman that all excuses and delays set aside he be and appear before the Judges of the next County Court as a Court of Equity, to be held at Port Tobacco in and for Charles County aforesaid on the third monday of June Inst to answer the bill of Complaint of Elizabeth Ford Admx of William P Ford Deceased & Richard Gardiner filed in said Court Hereof he is not to fail and fail not at your peril & have you then and there this writ.

Witness the Honorable John Stephen Esquire Chief Judge of the first Judicial District of Maryland the 30th day of March Anno Domini 1844. Issued the 5th day of June 1844.

W. B. S. Walter Mitchell Clerk.

At which mentioned third monday of June being the sixteenth day of the same month in the year of our Lord Eighteen hundred and forty four and the day of the return of the aforegoing writ Come into the Court the said Complainants by their solicitor aforesaid and the Sheriff of the County aforesaid to towit John B Lawson Esquire Gentleman to whom the said aforegoing writ was in form aforesaid directed makes return thereof to the Court here thus Endorsed towit: "Summd John B Lawson Sheriff" and the said Josias Clements doth not appear, whereupon on motion of the said Complainants by their Solicitor aforesaid, it is ordered by the Court here that an attachment issue for Josias Clements for his Contempt of Court, in not appearing in obedience to the subpoena issued, which said attachment accordingly issues in the words following towit:

Charles County towit: the State of Maryland to the Sheriff of Charles County Greeting: You are hereby Commanded to attach the body of Josias Clements if he shall be found in your bailiwick, and him safe keep so that you have his body before the Judges of the next County Court to be held at Port Tobacco in and for the County aforesaid on the third monday of August next to answer unto the State of Maryland as well touching a certain Contempt by him committed in not answering to the bill of Complaint of Elizabeth Ford Admx of William P Ford and Richard Gardiner against him in the said Court exhibited as to such other matters and things as shall be taken & there alleged against him Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Alexander C Magruder Chief Judge of our said Court this 17th day of June Anno Domini 1845. Issued the 18th of June Anno Domini 1845 H Mitchell Clk"

At which mentioned third monday of August being the Eighteenth day of the same month in the year of our Lord Eighteen hundred and forty five, to which said day the said aforegoing writ of attachment was made returnable Come again into Court here the said Complainants by their solicitor aforesaid, and the said Sheriff aforesaid, to whom the said writ was in form aforesaid directed makes return thereof to the Court here thus endorsed towit "Not attached Jno B Lawson Shff" whereupon the said Defendant in this cause having been returned summoned and having failed to appear it is thereupon ordered and decreed by the authority of Charles

County Court sitting as a Court of Equity that the bill of Complaint be taken pro Confesso and that a Commission issue to James McCormick to take testimony to prove the allegations in said bill. Whereupon the Commission accordingly issues in the following form towit:

Charles County towit: The State of Maryland to James McCormick of (Seal) Charles County Greeting: Know that we have appointed you to be our Commissioner to examine Evidences in a Cause depending in our County Court sitting as a Court of Equity between Elizabeth Ford Admx of William P Ford decd & Richard Gardiner Complainants and Josias Clements, defendant. We therefore require you having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as Clk to attend the execution of this Commission that at such time and place as to you shall seem convenient you cause to come before you all such Evidences as shall be named and produced to you by the Plaintiff and that you examine them on their Corporal oaths to be by you administered upon the Holy Evangelly of Almighty God touching their knowledge or remembrance of any thing that may relate to the case aforesaid and that you cause notice to be given to the Complainants or their attornes of the Execution of this Commission before you Execute the same; and having reduced the depositions of the Witnesses so taken by you into writing you send the same with this our Commission closed under your hand and seal to us in our County Court as a Court of Equity with all convenient speed. Witness the Honorable Alexander C Magruder Chief Judge of our said Court this 6th day of September Anno Domini 1845 Issued the 9th day of September 1845.

H Mitchell Clk

Afterwards towit on the 31st day of July 1846 on motion it was adjudged and decreed by the Court sitting as a Court of Equity that the order of this Court dated the 5th day of August 1845 be rescinded and the answer tendered by the said Josias Clements be filed in this cause, provided however that the filing of the same shall not effect any proceedings which have taken place in this suit since the decree pro Confesso was passed, And the said Josias Clements then tendered his said answer to the Court which is in the following words towit:

To the Honorable Judges of Charles County Court sitting in Equity The answer of Josias Clements to the bill of Complaint of Elizabeth Ford Admx of William P Ford & Richard Gardiner Complainants: The Defendant now and at all times hereafter saving and reserving unto himself all benefit and advantage of Exception which can or may be had or taken to the many Errors uncertainties and other imperfections in the said Complainants bill of Complaint, Contained for answer thereunto or unto so much and such parts thereof as this defendant is advised is or are material or necessary for him to make answer: answering saith: That of the allegations in the said bill contained this defendant of his own knowledge knows nothing save and except that he did purchase at public sale all the right title and interest of a certain C W Semmes in and to Certain lands called and known by the names of "two partners resurveyed" "a part of the Meadows" and "Part of the Gore" which said lands lie in Charles County and Contain about 178 acres more or less but this Defendant alleges and affirms that he bought & now thinks he of right has a fee