December Term 1862.

John Tolly Johns vs Montgomery Johns. Executor of John Johns. Lavinia Johns John Mensey Johns & Henry T. D. Johns.	Be it remembered that heretofore to wit on the Second day of February in the year of our Lord Eighteen hundred and fifty Eight came John Tolly Johns into the Circuit Court for Balto. City here by J. Nevett Steele, Samuel H. Pagart and John Nelson Esquires his Solicitors and Exhibited to the Said Court his Bill of Complaint in Same following to wit.

To the Honorable William George Nicols Judge of the Circuit Court for Baltimore City.

Humbly Complaining Shews to your Honor, your Orator John Tolly Johns that he is the Eldest son of Richard Johns late of Baltimore County deceased; that in and before the year 1842 his said father Richard Johns and two brothers of his said father John Johns and Mensey Johns were living the first in Baltimore County and the other in Baltimore City and were severally Seized and possessed of Landed and personal Estates: that the said John Johns and Mensey Johns were at the date above mentioned somewhat advanced in life and were childless and unmarried and that the said Richard Johns then had four Children all of them Survived him, viz two Sons, your Orator and Richard Johns Junior, and two daughters, Polly W. wife of Horace R. Love and Sally W. wife of J. Harris Hodges; and at the same period there was living in the State of Ohio, Benjamin Johns a brother of the John Mensey and of Richard who had one Child a daughter and was in a dependent Circumstances. And your Orator further States that Towards the close of the year 1842 it was agreed and determined by and between the said John Johns Mensey Johns and Richard Johns that they would make a joint family Settlement or arrangement of certain portions of their real Estate by their last wills and on the 28th day of December in that year they accordingly met for that purpose at the house of the said John Johns in Baltimore County and there in the presence of the person who was in attendance at their request for the purpose of drawing their Wills, it was expressly agreed between and by them the said John, Mensey and Richard that the said Richard should by his last Will to be then made and executed give and devise all his lands including his Dwelling Plantation called "Dover" to his son Richard Johns Junior, in fee simple: that the said Mensey should by his last Will to be then made and executed give and devise his Plantation in Baltimore County known by the name of "Black Rock" or "Miller Delight" and all his adjoining tracts of land containing in all about Nine hundred and Eleven acres of land, and also his undivided part of York Farm on the Susquehanna River in Pennsylvania, to his said Brothers John, Richard and Benjamin during their lives as joint tenants with remainder over upon the death of the Survivor of them to his Nephew the said Richard Johns Junior in fee simple: and that the said John Johns should by his last Will to be then made and executed give and devise his Home Plantation or Farm known by the name of "Snow Hill" containing about Four hundred and Eighty nine acres, and also his small Farm near to but separate and detached from his Home Farm known by the Name of "Tills Place", and containing about One hundred and Six acres to his said Brothers Mensey, Richard and Benjamin for their lives as joint tenants with remainder over upon the death of the Survivor of them to your Orator John Tolly Johns in fee simple that in pursuance and in execution of the said agreement so solemnly entered into and made by the said John, Mensey and Richard their several last Wills and testaments, were on the said 28th day of December 1842 in their presence and at

December Term 1862.

house of the said John, carefully written and prepared by a competent person Employed by them for that purpose, and acting under their personal direction and dictation; that in Each of said last Wills there was a provision in accordance with and in Execution of the agreement above mentioned between the intended testators and in and by Each of them, the Lands and estates mentioned in said agreement were respectively devised to the persons and in the mode in said agreement specified; and that on the said 28th day of December at the house of the said John Johns the said three last Wills and testaments so written and prepared were severally signed sealed and published by the respective testators in the presence of the same three attesting Witnesses. And your Orator further States that that in or about the month of April in the year 1846 no change having in the meantime occurred in the family relations of the three testators above named, one of them the said Mensey Johns departed this life leaving unrevoked and in full force the last Will and testament made and executed by him as heretofore stated on the 28th day of December 1842 and that said Will was duly admitted to probate and recorded in the office of the Register of Wills for Baltimore County (now for Baltimore City) all which together with the provisions of said will more fully appear by reference to a certified copy thereof herewith filed marked Exhibit J. T. J. No 1, which it is prayed may be taken as part of this bill. And your Orator further shews that in or about the month of February in the year 1847 his father Richard Johns another of the three testators above named departed this life leaving unrevoked and in full force and effect the last will and testament made and executed by him as hereinbefore stated on the 28th day of December in the year 1842 and that said will was duly admitted to Probate and recorded in the Office of the Register of Wills for Baltimore County (now for Baltimore City) all which together with the provisions of said Will will more fully appear by reference to a certified copy thereof herewith filed marked "Exhibit J. T. J. No 2" which it is prayed may be taken as part of this bill. And your Orator further States that in the year 1849 Benjamin Johns hereinbefore named as one of the devisees for life in joint tenancy with John Johns and Richard Johns of the Plantation in Baltimore County and the York Farm property of the said Mensey Johns, also departed this life, and that John Johns who thus survived his three brothers possessed held and Enjoyed the said plantation in Baltimore County and York Farm property from the time of the death of his said brother Mensey, at first during the life of Richard and Benjamin jointly with them and afterwards exclusively for his own use and benefit down to the time of his death hereinafter mentioned; and your Orator avers and charges that the said John Johns received and realized large sums from the rents and profits of the said Plantation and York Farm Property and that he held and Enjoyed the same under and by virtue of the devise in the Will of his Brother Mensey, inserted therein in Execution and performance of the agreement between said John Mensey and Richard as herein before set forth. And your Orator further shews to your Honor that while by the Will of his Uncle Mensey, his brother Richard was well provided for by the devise of an undivided share of the Plantation in Baltimore County and the York Farm property nothing was given to your Orator; and that while by the will of his father Richard Johns, the bulk of his said father's Estate was given to his brother Richard a comparatively trifling legacy of three thousand dollars was all that was bestowed on your Orator; and your Orator adds that those Wills excited in him neither regret nor surprise because he knew they were dictated by no unkind feeling towards him