And the Sheriff of Baltimore City aforesaid, to whom the said Subpoena was delivered to be served, made return thereof to the Court here thus endorsed to wit "Summoned Ambo The Cramer Shff" Whereupon appeared in Court here, the said Henry V. D. Johns in his own right, and the said Henry V. D. Johns and Montgomery Johns Executors of John Johns, deceased, by William A. Stewart, Henry V. D. Johns Jr and William Ashley Esquires, their Solicitors. Afterwards, to wit, on the third day of February in the year aforesaid, the said Complainant, by his Solicitors aforesaid filed in said Cause, the following Petition, to wit:

John T. Johns
vs
Rev.d Henry V. D. Johns.
& Montgomery Johns.

In the Circuit Court for Baltimore City.

To the Honorable William Gwyn Krebs Judge of the said Court.

The Petition of John T. Johns the Complainant in this cause, respectfully shews that it is material and important to him, that a certain Amos Richards, of Baltimore County, should be examined as a witness in the cause, without delay; that the said Amos Richards is now seventy years of age: and is the only Witness who was present at the making of the contract between John Johns, Henry Johns and Richard Johns, for the specific performance of which, the Bill in this cause is filed: and your Petitioner also states, that the Subpoena issued in the cause against the defendants, has been returned "Summoned" Your petitioner therefore prays that a Commission may issue to the regular Commissioners of this Court, to examine the said Amos Richards, de bene esse, and you Petitioner as in duty &c.

Steele & Fagan
John Nelson
for Petitioner

State of Maryland Baltimore City SS. On this 3rd day of February 1858, before the Subscriber, a Justice of the Peace in and for the City aforesaid personally appeared J. Nevett Steele, and made Oath that he knows Amos Richards of Baltimore County, and has heard him speak of the contract mentioned in the above petition, and that the matters stated in said petition are true, to the best of his knowledge and belief.

J. Kennedy Quings

Which being read and heard, the Court passed the following Order to wit:

Ordered this 3rd day of February, 1858, that a Commission issue as prayed by the aforegoing petition.

Wm Gw Krebs

Whereupon, a Commission issued accordingly: and the said cause so standing, was continued until the second Monday in March then next: At which said Second Monday of March, to wit, in the year aforesaid, came again into Court here the parties aforesaid, by their Solicitors aforesaid. And afterwards to wit on the Seventh day of April, in the year aforesaid, the Defendants aforesaid, by their Solicitors aforesaid filed in said cause, their Answer to the foregoing Bill of Complaint in form following to wit:

The Joint and Several Answer of Henry V. D. Johns and Montgomery Johns, Executors of the testament and last Will of John

Johns, deceased, and the Several answer of said Henry V. D. Johns in his individual capacity, and as a devisee under said testament and last will, to the bill of complaint of John T. Johns in the Circuit Court for Baltimore City, against the said Defendants in their Capacity as Executors as aforesaid, and against the said Henry V. D. Johns, in his individual capacity as aforesaid, exhibited.

These Respondents, now and at all times hereafter, saving and reserving to themselves as Executors as aforesaid, and the said Henry V. D. Johns, saving and reserving to himself, in his individual capacity, all and all manner of benefit and advantage of exception, that may or can be had or taken to the manifold Errors, uncertainties and imperfections of said bill, nevertheless for answer to the same the said Respondents, jointly answering as Executors as aforesaid, say, and the said Respondents Henry V. D. Johns severally answering in his individual capacity as aforesaid, says that it is true, that the said Complainant is the Eldest Son of the late Richard Johns, of Baltimore County deceased, and that it is also true that said Richard Johns, in his life time, made and executed his testament and last will, in writing, bearing date the 25th day of December 1842, and that he afterwards departed this life, at or about, the time, in that behalf, in said bill mentioned and that after his decease, his said testament and last Will was duly admitted to probate, and that Exhibit J. T. J. No 2 is a true copy thereof; it is also true, that the said Richard Johns, at the date of his said Will had four children living, being the same persons who are named as such in the said Bill of Complaint, and all of whom survived him.

Further answering, these Respondents, jointly answering as aforesaid, say and this Respondent Henry V. D. Johns severally answering as aforesaid says, that it is true, that at the date of the said testament and last Will of which said Exhibit J. T. J. No 2 is a copy, Henry Johns, John Johns and Benjamin Johns, all named in said Bill, were all living, and were brothers of said Richard Johns, and respectively resided as stated in said Bill, and that it is also true, that said Henry Johns, and said John Johns, were then somewhat advanced in life, and were both unmarried and childless, but they deny that Benjamin Johns had an only child a daughter, at that period, as said Benjamin Johns was not married until sometime in the fall of 1845., and he was not then as represented, in independent circumstances. These Respondents jointly answering as aforesaid, say, and this Respondent Henry V. D. Johns, severally answering as aforesaid, says, that it is true, that said Henry Johns departed this life at or about the time in that behalf, in said Bill stated, and that he left a testament and last Will, in writing, and which, after his decease was duly admitted to probate, and that Exhibit J. T. J. No 1. is a true copy thereof; and that it is also true, that said John Johns departed this life on the 31st day of December last, having previously made and executed in due form of law, his testament and last will, in writing bearing date the 12th day of June 1856. executed in the presence of, and attested by four credible Witnesses, and which testament and last Will, after his decease, was duly proved and recorded, in the office of the Register of Wills for Baltimore County; in which County the said testator had his domicil and died; a duly certified Copy whereof is herewith produced as a part of this answer, marked Exhibit A. and these Respondents state, that letters testamentary were thereupon granted in due form of law to these Respondents, named and appointed, in and by the said testament and last Will, the Executors