nature, was merely ambulatory, and therefore revocable; and that the Execution of such Will if any such was made, did not give to the said Complainant and Vested right, legal or Equitable to the said property, if any was so devised, nor disable the said testator from Executing another will, disposing of his property, in a different manner. And they are further advised, and they respectfully insist, that, Even if the said testator had, in fact, (which they utterly deny) Entered into any agreement, in a legal or binding form that is to say, upon any sufficient consideration, and in a manner that would be accordant with the requirements of law, still, such contract would not justify such a claim as is made by said Complainant in and by his said Bill, nor Entitle the Complainant to such Conveyance as he seeks by his Bill: and that his only remedy if any, would be, by way of Suit at law, for damages, against these Respondents in their Capacity as Executors, and in a Court of law, and not otherwise.

Further answering these Respondents jointly answering as aforesaid say, and said Henry V. D. Johns, separately answering as aforesaid says, that Even upon the face of said Bill, it is plainly shown, that there was no privity of contract between said Complainant, and said John Johns; and further that the alleged agreement was to do an act of mere charity, and not of duty; and by an instrument, which it is utterly impossible that any Court Court Specifically Enforce, under the actual Circumstances of this Case, Even if, upon any State of Case, the performance of such act could be considered as an act of duty. Wherefore these Respondents pray that said Bill may be dismissed, and that they may hence be dismissed with their reasonable costs, in this behalf, most humbly sustained.

Wm Schley } Solrs for
Stewart & Johns } Respondents

State of Maryland, City of Baltimore, To wit: I hereby certify that on this fifth day of April in the year Eighteen hundred and fifty Eight before the Subscriber a Justice of the Peace of the State of Maryland in & for the City of Baltimore aforesaid personally appeared the above named Henry V. D. Johns, and made oath that the matters stated in the foregoing answer are true, to the best of his knowledge and belief.

Daniel E. Myers.

The Exhibits marked A. B. C. and D referred to in the foregoing Answer are as follows to wit:

Exhibit A.

John Johns
Last Will and Testament

In the name of God. Amen:

I, John Johns of Baltimore County in the State of Maryland, being in good bodily health, and of sound and disposing mind, memory and understanding, considering the certainty of death, and the uncertainty of the time thereof, and being desirous to settle all 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 at the discretion of my Executors hereinafter named.

Item. I direct all my just debts and funeral Expenses to be paid. Item. In testimony of the great love I bear my friend and relative the Revd Henry V. D. Johns of Baltimore City, I give and devise to him in fee Simple all my real Estate lying in Baltimore County herein specified, that is to say, the land called and known by the name of "Nicholson's Manor," "Cherry Chase" & "Friendship" which contain four hundred and fifty four acres more or less, and also thirty acres called "Mary's Medow" the said Lands constituting the farm on which I reside, to have and to hold the said lands to him the said The Revd Henry V. D. Johns, his heirs and assigns forever to his & their sole use benefit & behoof, & to & for none other. I request that he will lay off one acre of ground, parcel of said land to embrace the grave yards for the whites & the Colored people, which nearly adjoin Each other, the former of which contains the ashes of my parents, and reserve the same in any sale that he may hereafter make (should he make any) so that said grave yards may remain in the possession of his family the former in which said acre is laid off, I leave to the said the Revd Henry V. D. Johns to determine. Item, I also give and bequeath to the said the Revd Henry V. D. Johns all my Stock on said farm, consisting of horses & mules, cattle sheep and hogs together with all my farming tools, implements, and also all my household furniture & stuff, together with my table & paper and wearing apparel, one Eight day Clock, fire proof safe, my Gold Watch and Gold headed cane.

Item. I give and devise to my Sister Mary Ann Johns for her life only the ground rents issuing out of three nine lots situated in the City of Baltimore which are conveyed to me by indenture from Henry Shirk and wife bearing date 15th June 1848, and recorded in Liber A. W. B. No 395 folio 504 one of the Land Records of Baltimore City, amounting to $276.00 a year. Item. I give and devise unto my Sister Mary Sarah W. Pellenger for her life only, the ground rents issuing out of the following described lots to wit, three annual lots which were conveyed to me by the Elders, Trustees & Members of the German Evangelical Reformed Church in the City of Baltimore and others by indenture bearing date 30th June 1849, and recorded among the Land Records of Baltimore City in Liber A. W. B. No 426 folio 157 &c and also three other lots which are conveyed to me by the Revd Henry V. D. Johns & wife by indenture bearing date 13th December 1848, and recorded in Liber A. W. B. No 405 folio 357 one of the Land Records of Baltimore City, which said ground rents in the whole amount to $367.50 per annum. Item. As regards my negroes Jenny widow of (Henry Lawrence) Abraham Brown and Charles Brown, all over forty five years of age & therefore cannot be legally manumitted, I bequeath them to my friend the said the Revd Henry V. D. Johns and request that he will allow them all the privileges of free people. Item: I direct that five hundred dollars be invested in some good and safe Stock in the names of my Executors and that the interest or dividends thereon be paid to the above named negro woman Jenny, yearly during her life. Item: I direct that five hundred dollars be invested in some good & safe Stock in the names of my Executors, & the interest & dividends thereon be paid semi-annually during his life to the above named negro Abraham Brown. Item: I direct that five hundred Dollars be invested in like manner and the interest and dividends thereon be paid semi-annually during his life time to the above named negro Charles Brown. Item: All the residue of my negroes I manumit to be free immediately after my death, except those by reason of their tender years are unable to support themselves, and these as soon as they attain the age of twenty one years, or at such Earlier age, as they may be able to Earn a Support for themselves shall also be free; and their offspring born in the meantime I will and direct shall also be free. Item: I give and devise unto the Maryland State Colonization Society the sum of one thousand dollars; and also for ever