

William Mahony their guardian to the Bill of Complaint of Thomas Johnson & Catharine Catharine Johnson his wife, and Edwin Johnson filed against these defendants in the Circuit Court for Frederick County, sitting as a court of equity. — These defendants, saving and reserving to themselves all manner of advantage of exception to the manifold errors and uncertainties in said bill of complaint contained, answering by their said guardian, say they admit that Richard Johnson made and executed in due form of law, his last will & testament & soon after departed this life without having in any manner revoked the same, and that the paper therein referred to is a true copy of said testament & last will, and that said Richard Johnson did in and by said last will & testament bequeath all the rest & residue of his estate to these defendants and to Francis R. A. Johnson & Edwin Johnson as therein stated and set forth. — These defendants further answering by their said guardian admit that a part of the real estate of said Richard Johnson has been sold under a decree of the Circuit Court for Frederick County, sitting as a court of equity, for the payment of the debts due by said Richard Johnson as therein specified, and that since the death of said Richard Johnson, Francis R. A. Johnson one of the devisees & legatees named in said will, has transferred & conveyed to Thomas Johnson, one of said complainants, all his right title & interest in said estate under and by virtue of said will, and that Exhibit A is a true copy of said deed of conveyance, and that the whole rest & residue of said real estate now belongs to said Complainants and to these defendants as tenants in common. — These defendants further admit that they are infants under the age of twenty one years, and that said real estate will not admit of a division amongst all said tenants in common without injury and loss, and that it will be greatly to the benefit and advantage of these infant defendants, and of all the other parties interested that said real estate should be sold & the proceeds distributed amongst the parties according to their respective interests. And these defendants are willing a decree shall pass as therein prayed.

W. Mahony,
Guardian

On this 18th day of May 1852 before the subscriber the Commissioner named in the enclosed commission, personally appears the aforesaid William Mahony & makes oath the matters & things stated in the foregoing answer are true to the best of his knowledge information & belief

W. Thompson Palmer
Comm^r

To the Honorable Madison Nelson Judge of the Circuit Court for Frederick County, sitting as a court of equity. — The subscriber being the commissioner named in the enclosed commission hereby certifies that in execution of the powers vested, I did on the 18th day of May 1852 proceed to assign and appoint William Mahony of Frederick County as guardian to said infants and took the answer of said infants by their said guardian & under the oath of said guardian by me administered, to said bill of complaint in said commission mentioned, which said answer with said commission is herewith returned closed under my hand and seal this 18th day of May 1852.

Filed May 18th 1852 { W. Thompson Palmer, Commissioner

Thereupon the following Order was filed July 24th 1852.

Thomas Johnson & Catharine
his wife, & Edwin Johnson } No. 2420 Equity. — In the Circuit Court for
Frederick County, sitting as a Court of Equity.

vs
Richard E. Johnson, } In this case, on motion of Joseph M. Palmer the Solicitor
Jane Johnson & others. } for the complainants. — It is this 24th day of July 1852

Ordered that a Commission issue to Frederick J. Nelson take testimony in this case to prove the allegations. the Bill &c.

M. Nelson.