

to her sons Adolphus and James, and appointed Richard P. P. Preston her Executor, who refusing to act, Samuel B. Preston was appointed administrator with the will annexed. - That said will being illegally executed, that said Sarah Johnson died intestate as to her real Estate, which descended to her children Greenberry, Howard John Stuart Johnson, Eliza Ann Snowden wife of John W. Snowden, Lucretia McAlister, Henry Adolphus Johnson and James William Dorsey. - That Lucretia McAlister is a non-resident of the State of Maryland, and that Henry Adolphus Johnson & James William Dorsey are infants under twenty one years of age. -

The Bill further states that the personal estate of Sarah Johnson is insufficient to pay her debts. - It is therefore this 4<sup>th</sup> day of June 1861, ordered that the complainant by causing a copy of this order to be inserted in some newspaper published in Frederick County, once a week for at least four successive weeks prior to the 13<sup>th</sup> day of July 1861, give notice to the said about defendant of the object and substance of this bill and warn her to appear in this Court in person or by solicitor on or before the 14<sup>th</sup> day of October 1861, to answer the premises and show cause if any she has, why a decree ought not to pass as prayed. -

P. S. Fitzhugh Clerk of the Circuit Court for Frederick County.  
P. S. Fitzhugh Atty.

True Copy. - Sent -

Examined Findings Fredk Md. October 17<sup>th</sup> 1861. -

This is to certify that the annexed order was published in The Examiner, printed in Fredericktown once a week for four successive weeks prior to the 14<sup>th</sup> day of October 1861. -

Ashley, Waller & Co.

Order to issue writ of Habeas Corpus

Adam Kohlenberg Jr

No 2996 Equity. -

Jacob P. Preston Adm<sup>r</sup> & Adm<sup>r</sup> & Adm<sup>r</sup>

In the Circuit Court for Frederick County in Equity. -

vs the Clerk of Circuit Court for Frederick County. -

Henry Adolphus Johnson and James William Dorsey the infant

defendants having been duly returned summoned. - You are authorized to issue a Commission to J. W. L. Early authorizing him to appoint a Guardian and take the answers of said infants by their said Guardian according to law. -

Yours A. Rob. G. for Com. Pk.

Commission

Maryland Jct.

The State of Maryland to Joseph M. & Lewis of Frederick County, Greeting, Whereas Adam Kohlenburg Jr has lately exhibited his bill of Complaint before me in the Circuit Court for Frederick County sitting as a Court of Equity against Samuel B. Preston Adm<sup>r</sup> & Adm<sup>r</sup> & Adm<sup>r</sup> of Sarah Johnson, Henry Adolphus Johnson and James W<sup>m</sup> Dorsey, and whereas I have, by my writ lately, commanded the said defendants to appear before me in said Court as a Court of Equity, at a certain day now past, to answer the said bill of Complaint but for as much as the said Henry Adolphus Johnson & James W<sup>m</sup> Dorsey are infants under age, and cannot answer the said bill of Complaint nor defend this suit, without having a Guardian assigned in that behalf shown, therefore, that I have given unto you full power & authority in pursuance of the special order in said Court, to assign and appoint a Guardian for the aforesaid infants, and to take the answers of the said infants by such Guardian to the said bill of Complaint & therefore I command you, that at such certain day & place as you shall think fit, you go to the said defendants if they cannot conveniently come to you assign and appoint a Guardian for the aforesaid infants, and take the answers of the said infants, by such Guardian to the said bill of Complaint or such Guardian's corporal oath upon the Holy Evangelist, to be administered by you, the said answers being distinctly & plainly wrote, and when you shall have so taken the said answers, you are to send the same closed up under your seal, together with your Certificate of you having assigned and appointed such Guardian as aforesaid, and this writ, unto me in said Court. - Witness the Hon<sup>ble</sup> Madison Nelson, Judge of said Court, the 31<sup>st</sup> day of July 1861. Issued the 2<sup>nd</sup> day of July 1861. -

Sent - No 2996 Equity. -

P. S. Fitzhugh Clerk.

At the Hon<sup>ble</sup> Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity.

Answer of Sam<sup>l</sup> B. Preston

Commission