

This Defendant for Answer to said Bill of Complaint, on to so much and such parts thereof as it may be necessary for him to reply to, Answers and says: ~

That he has no personal knowledge of the Contract stated in said Bill, between Richard Thomas in his life time, and the said Complainants - touching the pledge of the crop of wheat growing on the farm of said Richard Thomas in the year 1870, to secure advances in money and produce to be made by Complainants to said Thomas that he neither admits or denies said Contract and requires proof of the same ~

This Respondent further replying, states that he has no knowledge of the claim proposed by Complainants, and requires that the same be sustained by strict legal proof.

This Respondent further answering said Bill, admits that said Richard Thomas made his will, as stated in said Bill, and appointed your Respondent's Executor thereof, and died as stated in said Bill. ~

Your respondent further states that as such Executor, after getting his duly approved bond, he took possession of the crop of wheat then growing, prepared it for Market, and sold the same. ~

Your respondent further states that he sold all the wheat crop grown in the year 1870, for the sum of \$1412 14. And that the expenses of securing said crop and getting the same into Market amounted to the sum of two hundred and forty dollars and forty four cents and that the net amount of said crop now in hand, amounts to the sum of \$1171 71. ~

This defendant further states, that the personal estate of said Richard Thomas is wholly insolvent - That he has many Creditors, among whom is the Frederick Town Savings Institution, who in the life time of said Richard Thomas obtained judgment against him for \$5000, which with interest is still due and unpaid, and that said Institution claim by virtue of its judgment, priority of payment out of the personal assets of said deceased, which judgment was obtained, long before the Contract alleged by the said Complainants - And that the assets of said Richard Thomas are wholly insufficient to pay said judgment without this, &c. And your respondent prays hence to be dismissed with his reasonable Costs &c. ~

H. J. Ross

A. J. Snouffer

Solicitor for Defendant ~

Filed Jan. 27<sup>th</sup> 1871.

Order to issue  
Commission

Newcomer & Co  
vs  
Archibald J. Snouffer  
Exor of Rich. Thomas

No 3600 Equity  
In the Circuit Court for Frederick County as a  
Court of Equity ~

The Clerk will please issue a Commission to take testimony on the above cause, to Charles V. Levy Esq -

Geo. H. Shellman  
Sol. for Complainant  
Hony & Co. H. Ross  
Sols. for Defendants

Filed April 6<sup>th</sup> 1871 ~

Sub. Replication

Newcomer & Co  
vs  
Archibald J. Snouffer  
Exor of Rich. Thomas Decd

No 3600 Equity  
In the Circuit Court for Frederick County as a  
Court of Equity ~