

in the procurement of said will, Upon the contrary your respondent never knew nor does he believe that his wife or mother ever knew until a very few days before the testator's death how he had made his will, a few days before testator's death he told his wife respondent's mother some of the provisions of his will so far as she was concerned but did not even then as respondent is informed tell her how he had divided his property between his children, Some time after testator had made his will he one day pointed out to your respondent the lands which he said he had conditionally given him in his will and spoke of some of the conditions which he had required to be performed by respondent. This much respondent knew about his will before his death but nothing more, the rest of testator's will respondent learned by hearing it read after his death.

It is true enough that testator did not make an equal distribution of his property amongst his children, and it is equally true that he did not give the complainant a full and equal share of his estate, What the reasons were that influenced the testator's mind to make his will as he did of course your respondent does not know, but if complainant had set to work to hunt up the true reasons that influenced the mind of the testator not to give him an equal division of his estate he might doubtless have found others besides the ones he states in his bill, At least your respondent has no doubt that witnesses who heard ~~testator~~ talk about the mother will state that the testator was able to give other reasons than the ones stated by complainant for his not giving him an equal share of his estate, Complainant is respondent's brother and as he is advised it is not necessary to go into particulars in this answer he refrains from stating what he believes to have been the true reasons of the testator for not giving him an equal portion of

his estate, As your respondent is advised that it matters not what his reasons were or whether he had any, so that it appears that the paper filed with his will and that he was of sound mind when he made it, and made it of his own free volition that ~~he~~ such was the fact your respondent has already stated and here repeats it and expects that complainant will entirely fail to produce any proof to the contrary.

When said will is looked into and the surrounding facts known it will appear that in fact respondent although he does get the most valuable portion of his father's land does not or may not get much advantage at last if any, the care and support of his mother devolves on him as long as she may live, and also the care and maintenance of an unfortunate brother is made a charge on his part of the land, When these things are considered and whilst it is not known how long they may continue or how heavy a responsibility they may result in it is uncertain whether respondent has much or in fact any advantage over complainant but whether he has or not respondent is advised is not the question at issue.

And your respondent having fully answered so far as he is advised it is needless for him to answer and denying all not answered admitted or avoided prays to be hence dismissed with his costs.

W. E. Kennedy & Stone

Suborn to before me by J. M.
Dickenson this 28th day of
Sept 1871.
J. L. Gent & Co.