respective share. — 8th. Is there any public road or highway leading to or from the piece or parcel of ground, the use whereof was granted by the Baltimore Company to the parties. — 9th. Do you know of any other matter or thing which may be material for the defendant in this cause? if you do state the same as fully as if you was particularly interrogated thereto. —

Mr. Zachariah Maccubbin produced & sworn on part of defendt. ans. to first Interrogatory. that he was requested to attend a settlement of their accounts and expected that the settlement would be final. —

2d. He does not recollect and believes he was not requested to assist at such settlement by any writing or written submission of the parties. —

3d. as well as this deponent recollects the settlement was wholly made by papers produced by the Complainant and his books. — 4th. since the signing of said account which this deponent had forgotten, he is well convinced there were omissions to the prejudice of the Defendant. — The defendant frequently withdrew from the room where they set for the settlement of accounts in a rage, declaring that he would not submit to what they did and at other times returned and appeared to acquiesce. —

5th. That the platt now shewn this deponent is the platt of the work of the division made 30th. June 1785. between the Complainant and defendant according to the present holdings the part westerly of the dotted line from E to D to E & G shaded part brown & part green marked B designates the Complainants part and that the part westerly of said line shaded part yellow & part green and marked with the letter A designates the defendants part, and the other part on said platt shaded brown and marked B designates another part laid off to the Complainant and the other part marked A and shaded yellow designates the defendants remaining part from little A to E & C the said land is bounded by the water of patapsco river. — 6th. In the estimation of said parts he does not recollect that they make any valuation of the land through which the present ferry road passes or of the fencing thereof. — this deponent supposes is that the said road takes up about two acres of the defendants land, but he does not think the fencing makes any material difference as an outlet for the defendants stock is necessary. that beyond all doubt the

said road is a great injury to the defendants farm. — 7th. This deponent had no knowledge of such an agreement, he understood that each was to enjoy the benefits of his own share except that it was said that the profits of the ferry was to be divided. — 8th. There is no public road leading to the said piece of ground. — 9th. This deponent thinks that if four hundred pounds was the sum at which they valued the difference of soil they did the defendant an injury in charging him with the whole of that sum, as his interest is as worth the one half. — this deponent does not recollect, at present any other matter or thing material for the Defendant except what he has already answered. —

Mr. Wm. Hammond ans. to first Interrogatory on the part of the defendant. That he (this deponent) was requested to attend a settlement of their accounts, he presumes by one or perhaps both the parties & expected that in the end it would be a final settlement. — 2d. He does not recollect that there was any written application or submission by the parties. — 3d. As well as this deponent recollects there was a variety of accounts & papers and a book produced by the Complaint. & from credits in said account he believes there were some papers & accounts produced by the defendant. — 4th. at the time of the settlement he did not know of any omissions, but has since that time reason to believe from papers and accounts produced by the defendant, there were omissions to the prejudice of the defendant. — The defendant was frequently in a passion and went away during the settlement of said accounts and said he would not abide by what was done, and some times returned seemingly willing to goon. — 6th. answers. That the said road to the best of this deponents recollection was not taken into consideration he cannot say whether said road is an injury to the defendt. farm or not. — 7th. He has no knowledge of such an agreement. he understood from the parties that each were to enjoy the benefits of his share, except that the profits of the ferry was to be equal. — 8th. Ans. That there is no such public road. — 9th. Ans. That at the time of the permission granted to use a part of the Baltimore Company's lane as a ferry landing the said company consisted of Chas. Carroll of Carrollton. Robert Carter. Nicholas Carroll. Daniel Carroll of Duddington (who was a minor) and represented by Ignatius Fenwick, and the State of Maryland represented by Daniel of Thomas Jenifer. then intendant. this deponent further saith that