Item, To the 10th Interrogatory of Complainants this deponent saith that James Morgan was his this Deponents Father, that he has been dead two years last March and was about fifty four years of age when he died that during the sickness of which his father died he this Deponent heard a conversation between his father and some old person (may be Mr Arthur Thompson, but he is not sure) which his father said he had give out the idea of buying the land in consequence of hearing Major Walker say he Walker intended to buy the land in trust for some other person and as this deponent supposes for the then heirs, that his Father was ill of the sickness of which he died for two or three years and that this conversation happened about a year before his death, that his father constantly expected to die, during all that time, and that he expected to die much sooner than he did, but that he did not appear to speak this conversation in contemplation of death, and that he was as well then as he usually was at that period of his sickness, at which period he was in the habit of riding about the plantation, or a short distance up and down the road upon a horse being brought to the door, that in consequence of the conversation before alluded to between James Morgan and Major Walker he James Morgan deserted and did not borrow money to purchase the Land although he had it in contemplation to borrow of his brother for that purpose and further this Deponent saith not.

Arthur Thompson aged about sixty one years, being first duly sworn on the holy evangely of almighty God, then produces to the Commissioner in this cause the release of the Complainants in the cause to the said Thompson and Ann his wife in the following words to wit:

"To all to whom these presents shall come Greeting Whereas Arthur Thompson and Ann his wife conveyed to Nicholas Carberry and Rose Ann Carberry a certain tract of land called Spilling Berry by their deeds indented and recorded among the Land Records of Saint Marys County as will appear by reference thereto and whereas altho' no consideration but natural love and affection induced to the said Conveyance. Nevertheless at law the said Arthur and Ann his wife would be bound to a restitution in the event of the failure of the title which they conveyed to the said Nicholas and Rose Ann, but which restitution at Law would be arrested by a Court of Equity. Therefore to prevent all litigation and future responsibility on the part of the said Arthur & Ann be it known that we Nicholas Carberry and Rose Ann Carberry now Rose Ann Ochler and Andrew Ochler who intermarried with the said Rose Ann do by these presents release acquit and forever discharge the said Arthur Thompson and Ann his wife from all responsibility and liability on account of the said aforementioned deed, as witness our hands and seals this eighteenth day of July Anno Domini Eighteen Hundred and Sixteen.

Test,
H. Ashton

Nicholas Carberry (Seal)
Rose Ann her + Ochler (Seal)
Andrew mark Ochler (Seal)

Imprimis, To the 1st Interrogatory of Complainants. Arthur Thompson this deponent deposeth and saith yes.

Item, To the 2d Interrogatory of Complainants this deponent saith, old Capt. Francis Thompson the father of this deponents wife and Capt. Francis Thompson.

Item, To the 3d Interrogatory of Complainants this deponent saith that it was sold at public Sale by Levi Alvey the Deputy Sheriff when Bennet Walker became the highest bidder.

Item, To the 4th Interrogatory of Complainants, this deponent saith, that it sold for thirty pounds, there were none others there but the own family when Mr Alvey came about three Oclock except Joseph and Bennet Walker, Reubin Craig and this Deponent, James Morgan was not there Larimore rode up after the Land was sold, he asked Mr Alvey the Deputy Sheriff what the land sold for. Mr Alvey said thirty pounds, Mr Larimore said fy fy Mr Larimore was collector for Henderson, Ferguson and Gibson, and said

it was not half enough or some how or other that way, no one bid but Mr Bennet Walker and Mr Reubin Craig, this deponent made one bid he thinks, but is not sure, Mr Craig bid sixty dollars and Capt. Bennet Walker bid no other person bid he thinks, a very severe day, a south east storm, this deponent rode through it he well remembers, the day of Sale was the 25th February he had a right to remember the day, as he had to ride out on business, it become more moderate about one Oclock, but was a dirty evening still.

Item, To the 5th Interrogatory of Complainants, this Deponent saith yes, the may preceding the sale Patric Carberry told this deponent that he must try and save the land for Francis Thompson who was then at sea, that the Land belonged to said Thompson, and that Patric Carberry who married said Thompsons Sister lived upon the Land, Bennet Walker and Patric Carberry told this deponent, that Bennet Walker was the trustee to bid off the land at thirty pounds, it was appraised at thirty pounds and sold at thirty pounds Raphael Neale, Joseph Walker, Bennet Walker and this deponent were the appraisers there was a contest between the appraisers as to the valuation, it was finally set down at thirty pounds, it was stated at the time that it was a matter of form when Mr Neale and this deponent wished it appraised higher, that on the day of sale of the land Patric Carberry sent to this deponent a messenger, for him to go over, he did not go as it rained very hard, the messenger returned a second time with a still pressing request, when he went immediately over to Carberry's where he found Joseph Walker Bennet Walker and Reubin Craig with Patrick Carberry, at his Carberrys house, a power of attorney was drawn, when this deponent went to George Booth's for a hogshead of Tobacco to accomodate Patric Carberry. The Tobacco was due from said Booth to said Carberry. This deponent returned to Patric Carberrys with a Tobacco note, when Tobacco sold at ten dollars to the best of this deponents knowledge, this deponent gave the note to said Carberry when Carberry presented it to Bennet Walker and observed to him that it would do, there was some small account or transaction besides between them, this deponent states further upon his oath that when at George Booths he Booth observed that he recollected just then that it was the day of sale and that he had some money yet left, and if the weather moderated he would ride over and bid for the land, but upon this deponents telling the secret to said Booth, he was stopped from going, This deponent understood that the Tobacco was put into Bennet Walkers hands to pay the thirty pounds for the land. This deponent further says upon his oath that he understood when the Sheriff deeded the land to Bennet Walker he Walker was to redeed it to James Carberry who was the eldest son of Patric Carberry, he James Carberry was to have the land forever, and if his Uncle Francis Thompson returned from sea, he Francis Thompson was to have a home there, as also was Mrs Thompson (then Mrs Carberry the wife of Patric Carberry) to have a life estate as a home.

Item, To the 6th Interrogatory of Complainants this deponent saith that Patric Carberry has been dead twenty two years the 13th day of last December, that Francis Thompson has been dead twenty one years last April.

Item, To the 7th Interrogatory of Complainants this deponent saith Patric Carberry's widow lived on the land two years, and from the 13th December until new Years day following after the death of Peter Carberry.

Item, To the 8th Interrogatory of Complainants this deponent saith, that no rent was paid until between March and May 1796 and that the 28th January 1796 his this deponent (who had on the 25d December previously intermarried with Patric Carberrys Widow) gave a deed of trust to Joseph and Bennet Walker to secure the payment for the rent due of said Land from the death of said Patric Carberry to the time of this deponents removal and that the rent of the said Land was twenty dollars per year.

Item, To the 9th Interrogatory of Complainants this deponent saith, very good, fine buildings no house there now that was not then there except the Granery, Bennet Walker altered and added to the dwelling house and kitchen and put a brick chimney to the latter there