were from one hundred to one hundred and fifty good peach trees and a sundry Apple trees on the land in full bearing and a very excellent garden completely mattled in.

Item, To the 10th Interrogatory of complainants this deponent saith, very well James Morgan about a year or eighteen months (or not so much) before his death, said what a pity it was that the poor orphans (meaning Patric barberry's children) should be knocked out or cheated (or some thing to that amount) of their Estate. Mr Morgan told this Deponent at the aforesaid time and at sundry times, that Capt Bennet Walker prevented him from bidding for the land, from the observation of said Walker to said Morgan when he asked him if he would live to deprive poor orphans or fellow creatures of a house and home and that he Walker was to be Trustee to purchase the Land upon which he Morgan never drew the money out of his brothers hands.

Item. To the 11th Interrogatory of complainants this deponent saith, Francis Thompson returned from sea in a month after Patric barberry's death, went to the fishery and died. James barberry was living here when his uncle Francis Thompson returned from sea, with the Walkers keeping bar, this deponent hath frequently seen Bennet Walker and Francis Thompson together at the Walker's Tavern, James barberry after he left the Walkers went to George Town afterwards he went to sea and died in the West Indies under age. James barberry left no other representative except a mother (this Deponent's wife) and the complainants in this cause who are his brother and sisters. this Deponent upon recollection further states upon his oath that about nine or ten years ago, he this Deponent asked Bennet Walker, why he had not, redeemed the Land, and that if he Walker would give to this Deponents daughter in Law (one of the complainants in this cause) two clever little negroes, he this Deponent would never say any thing more about it, he asked what Land, this Deponent said the land they were then upon (being at Walker's house) when he replied, he this deponent did not know what bargain he Walker had made with Patric Barberry. this deponent replied, that he Walker need not attempt to feed old birds with chaff. and that Patric barberry had no right to the Land, and further this deponent saith not.

Ann Thompson, aged about 55 years being first duly sworn on the Holy Evangelys of Almighty God

Imprimis To the 1st Interrogatory of complainants, this Deponent deposeth and saith yes.

Item. To the 2d Interrogatory of Complainants, this Deponent saith her father, after his death it finally fell into her brothers possession.

Item. To the 3d Interrogatory of Complainants, this Deponent saith, that from information derived from her husband Patric barberry, Bennet Walker and Colo Jeremiah Jordan (by the advice of Colo Jordan) Captain Walker was taken as trustee to purchase the said Land, that was to be sold under execution.

Item. To the 4th Interrogatory of complainants this deponent saith, that she was informed by Bennet Walker and Mr barberry it sold for thirty pounds. Bennet Walker, Mr Craig, Joseph Walker, Major Greenwell and Arthur Thompson were at the sale, also Mr Mercer the Deputy Sheriff. Mr Craig, Bennet Walker and Mr Thompson bid for the Land, it rained very hard all the forepart of the day, till 12 O'clock, it drizzled in the latter, and did not hold up or stop raining, tho' it moderated at an hour by sun, when it cleared up the sun set clear.

Item. To the 5th Interrogatory of Complainants this deponent saith Mr Patric barberry told this deponent, that as soon as this deponent made over her dower of Land which Mr barberry held in Ireland, Mr Wilson of Baltimore who was the agent of the purchaser would pay her a sum of money, he paid her thirty pounds cash, which thirty pounds she put into Bennet Walker's hands in June 1792 to pay for the land which he was to purchase as trustee, meaning the Land that was afterwards in February following, sold by the Sheriff Mr Mercer, and that she was told by her husband Patric barberry as soon as he returned from Colonel Jordan, with Bennet Walker, that Bennet Walker was the agreed on trustee, and that afterwards Bennet Walker and said barberry both told this deponent that as soon as the sheriff should deed the land to him, he Walker was to deed the same to James barberry, reserving a house and home for this Deponent & Francis Thompson her brother. this Deponent further saith, upon her oath, that there was a hogshead of Tobacco in addition to the thirty pounds, put into Bennet

Walker's hands by Patric barberry, on the day of sale of the land to enable him to bid, in case there should be any one at the sale who should outbid the thirty pounds. that the hogshead of Tobacco was afterwards sold by Mr barberry to Mr Walker as this deponent learnt.

Item. To the 6th Interrogatory of complainants, this Deponent saith, that Patric barberry died the 22d December going on 2d days, Francis Thompson returned about twelfth day after Patric barberry died and died the April twelve month following.

Item. To the 7th Interrogatory of Complainants, this Deponent saith, that she lived on the land about two years and from the 22d December until new years day after the death of her husband Patric barberry.

Item. To the 8th Interrogatory of complainant this Deponent saith that she never was told by Bennet Walker or any one of the family that she was to pay rent for the Land until she was married to Mr Arthur Thompson, then she learnt Rent was claimed and Mr Thompson gave a Deed of Trust to secure the rent.

Item. To the 9th Interrogatory of complainants, this Deponent saith that the Improvements were very good, a new Kitchen, Dairy and another house in the yard, in repair and the dwelling house repaired, the same house that Mr Walker now lives in, except the addition made to the same by Bennet Walker, a vast quantity of Peach Trees, a good many Damson Trees, cherry trees, lions, and about twelve or fourteen good bearing apple trees:

Item. to the 10th Interrogatory of the complainants, this deponent saith that she knew James Morgan, that he came the September before his death, to this deponents house, and told this deponent, how sorry he was that Major Walker had not made a deed to James barberry for the land, as he said Walker had told the said Morgan he had promised to do.

Item. To the 11th Interrogatory of complainants this deponent saith, that Major Walker and Francis Thompson had a severe quarrel about said Walker refusing to convey the Land he had engaged to convey, and that she was present at a part of the quarrel, but not at the beginning and knows that they had a great many quarrels she does not know where Francis Thompson was when the deed was made by the Sheriff but the said deed was made the August bout after Francis Thompson returned. James barberry went out to the West Indies from George Town and died on the fourteenth day of December and was not of age till the 17 June following. Nicholas barberry and Rose Ann barberry are the only representatives now alive, none other ever arrived of age except Francis and Thomas Patric barberry, both of whom died, without will or issue, and further this Deponent saith not.

Adjourned to the third day of August, next.

Head Saint Clements bay 3d August 1816 met agreeably to adjournment when were the following proceedings to wit

Interrogatories produced to and left with the commissioner by complainants this 3d day of August 1816

Interrogatory 12th. When and where did Francis Nicholas barberry and Thomas Patrick barberry or either of them die, and of what age were they or either of them at the time they died.

Interrogatory the 13th. What are the ages of Nicholas barberry and Rose Ann Ochler the now complainants and what has always been the state of their pecuniary matters and whether or not have they been too poor to prosecute a suit in the High Court of Chancery for their right.

Ann Thompson being further examined upon her oath aforesaid to the 13th Interrogatory of complainants she deposeth and saith that Nicholas Francis barberry has been dead eleven years the 26th Inst. he was drowned in St. Mary's County, he was twenty one years old the 11th April before his death. Thomas Patric barberry died in 1815 and died at this Deponents house at twenty four years of age.

Item. To the 13th Interrogatory of complainants this Deponent saith, that Nicholas barberry was twenty eight years of age the 2d day of May last past, and Rose Ann Ochler was twenty four years of age the 13th day of June last past, they have been too poor to carry on a law suit they have no property at all, as long as this Deponent lives.

Interrogatory produced to and left with the commissioner by complainants this day to wit.

Interrogatory 14th. Do you know of any steps having been taken or to have been contemplated