Item to 4th Interrogatory of Defendants this deponent saith yes, he was, he had several executions upon him, which were never paid at his death, he tried after his death and enquired, but could get nothing, there were executions upon his body, he went to the house while Patric Barberry's corpse lay in the house and applied to Mrs Barberry to assume the payment, which she refused, she said there was no property, saying at the same time that if she assumed any, she would be liable for all his debts, this deponent doth recollect the number of the family left by Patric Barberry, all the family he thinks left by said Barberry remained with Mrs Barberry except James Barberry from the death of Patric Barberry to the intermarriage of his widow with Mr Thompson.

Interrogatory the 5th produced and left by the Defendants with the commissioner to wit, when the lands were sold, what was the value thereof were they worth more than was paid for them by Bennet Walker?

Ira Alvey this Deponent to the 5th Interrogatory of Defendants, saith upon his oath aforesaid, that he does not know the number of acres the land contained, he does not think the land at the time it was sold, was worth more than from two to two dollars and fifty cents pacre including the buildings and improvements and further this deponent saith not.

The Defendants Counsel alledging there was a supplemental bill filed by the complainants declined taking any further evidence in the cause for the present until the same said Bill.

The Complainants Counsel produced to and left with the commissioner the following Interrogatory to wit

Interrogatory 15. were there ever any money transactions between you and Bennet Walker which were oppressive to you and kept you poor so that neither you nor your wife were able to assist the children of Patric Barberry in the prosecution of their claims?

Arthur Thompson being further examined upon his oath aforesaid to the 15th Interrogatory of Complainants, deposeth and saith, I was and here is enough to shew it (handing a paper marked exhibit) neither Mr Thompson my wife, or I either spoil. yes. I paid Walker six from one thousand to Eleven hundred and eighty pound a special to the best of my knowledge, when I says special I mean my Tobacco and my special he this deponent was not able to assist the children of Patric Barberry from oppressiveness of the transaction with Bennet Walker, the again there was three hundred dollars he was owing to Mr James Russell which he borrowed from old Mr Walker to help pay Russell, for this, then conditionally that Mr Russell bought two or three plantations of Bennet Walker and Ira Alvey, where Mr Russell lives, and that they would take no for pay. Mr Walker agreed to it and he was in partnership with Mr Alvey the land belonged to them, they bought it of Old Mr Billy Bond of Virginia, after he was to have his own time to pay it in and he did not ask Bennet Walker, he was to have his own time to pay it in, after one year was out that Walker and Alvey took him for pay to day, as one year was out to morrow, meaning one year less one day, further the same day the year was out to morrow he was beyond measure distressed, by the usage that Mr Walker used him concerning the £136. 12. 9 Current money, in the mean time he applied to his wife to get her to walk over to the Land she was born on, to beg Mr Walker for longer time as he was distressed in mind, Mrs Thompson upon this went over and he went before her and told Mr Walker that Mr Thompson was coming over, she came while this Deponent was at Mr Walkers, and made a application to Mr Walker upon the business, upon her application he Walker granted a further indulgence, he and Mr Walker set off and going down the hedge of the bay side Mr Walker says to this Deponent, I will tell you what you must do, you must give me the same interest as you have given Mr Russell. Mr Walker said it was 1225 lbs of nett crop Tobacco clear of wood of the first quality, this deponent denied that it was so much, and said it was 1125 lbs Tob when they got to the head of the bay they went into the store counting room, Bennet Walker drew a note of hand for 1125 lbs net new Inspected crop Tobacco clear of wood for Interest for 300 Dollars payable immediately and besides

£15 in silver for interest for the year that then had past for the 300 Dollars upon the spot. Mr Walker drew another another note for 1125 lbs net new Inspected Crop Tobacco clear of cask for Interest for the next year, on the 300 Dollars, about 12 or 13 years ago or thereabouts this transaction took place Mr Thomas Reeder copied the notes and gave this Deponent one of each, he continued by his labour to lodge his Crops of Tobacco in Mr Walkers hands, Mr Walker dies and he settles with Mr Alvey, he has had other transactions with Mr Walker and has executed various other notes to him, but he did not finally settle with Mr Alvey until last March court, and further this deponent saith not.

		total
Ira Alvey proves his attendance as a witness on the part of Compt.	2 Days	
and on part of Defendant.	3 days.	5
Ira Graves on part Complainants	2 Days	
on Do. Defendants	2.	4
William Dunbar on part Defendants	5.	5
James Russell on Do Do.		5

Then adjourned to meet at the Tavern at the head of Saint Clements bay on the Friday after the second Monday in October next.

Friday the 18th October 1816 being the friday after the second monday in said month met agreeably to adjournment at the head of Saint Clement Bay at the Tavern when an adjournment was made to meet at the Tavern in Leonard Town on friday before the second monday in November next at the hour of ten O'clk A.M.

Leonard Town Tavern friday the 8th day of November 1816 being the friday before the second Monday in said month, met agreeably to adjournment when on motion of the Plaintiffs Attorney this commission was closed.

Ethelbert Cecil as Commissioner attended at the Tavern at the head of St. Clements bay 18 July 1816			1 Day
Same at Same	30 August		1.
Same at Leonard Town.	5		1.
Same at Same.	6		1.
Same at Same.	7		1.
Same at Head St. Clements Bay	18 Oct.		1.
Same at Leonard Town.	8 Nov		1
		days total	7
Enoch J Millard Clerk attended same as above.			7

To same for copying proceedings 70 sides a 6¼ is 21.66¾

Given under my hand at Leonard Town this 8 day of November 1816 and sealed with my seal

Test. E. J. Millard. clk. Ethelbt Cecil. Comm (Seal)

Whereupon on motion of the said Mary Millard, Jeremiah Boothe Ann Booth his wife, James Walker, Harriot Walker, Joseph Walker Ann Walker and Milly Walker by their solicitors aforesaid, it is ordered by the court here with the consent of the said Nicholas Barberry, Andrew Ochler and Rose Ann Ochler his wife by their solicitors aforesaid that a commission issue to Enoch J. Millard of St Marys County authorising and empowering him to examine all such witnesses as shall be named or produced to him by either of the parties in this cause touching their knowledge or remembrance of any thing which may relate to the Cause aforesaid and that the said commission be returned with all convenient speed, and thereupon the same commission accordingly issues in the words, and of the tenor following to wit.

Maryland. Saint Marys County to wit. The State of Maryland to Enoch J. Millard of Saint Marys County Gentleman greeting, Be it known, that we do appoint you commissioner to examine witnesses in a cause depending in Saint Marys County Chancery court between Nicholas Barberry, Andrew Ochler and Rose Ann his wife Complainants and Mary Millard Jeremiah Booth and Ann Booth his wife, James Walker,