Harriot Walker, Joseph Walker, Ann Walker and Milly Walker Defendants. Therefore you are requested, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this Commission, that at such time and place as to you shall seem convenient you cause to come before you, all such evidences as shall be named or produced to you by either the Complainants or Defendants and that you examine them upon their Corporal oaths, to be by you administered on the Holy Evangelys of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and that you cause notice to be given to the parties, or their attorneys of the execution of this commission before you execute the same, and having reduced the depositions of the Witnesses, so taken by you into writing, you send the same, with this commission closed under your hand and seal, to the Judges of the said Court, with all convenient speed. Witness the Honorable John Johnson Esquire, Chief Judge of the said Court the 11th day of November in the year of our Lord one thousand Eight hundred and sixteen.

Issued the 13th day of November 1816. Jo. Harris Clk

Henry Ashton & J. D. Stone Attys for Compl.t

C. Dorsey & R. Neale attys for Defendts

State of Maryland, Saint Mary's County, sc.

Commissioners Oath. You shall, according to the best of your skill and knowledge, truly, faithfully and without partiality to any or either of the parties in this cause, take the examinations and Depositions of all and every witness and witnesses produced and examined by virtue of the commission hereunto annexed, upon the Interrogatories now, or which may hereafter before the said Commission is closed, be produced to and left with you by either of the said parties so help you God. E. J. Milland

Sworn to before me the subscriber this 15 February 1817 by Enoch J. Milland.

J. L. Milland. Justice in and for the county aforesaid.

Clerks Oath. You shall truly, faithfully and without partiality to any or either of the parties in this cause, take, write down and transcribe the depositions of all and every the witness and witnesses produced before & examined by the Commissioner named in the Commission hereunto annexed, as far forth as you are directed and employed by the said Commissioner to take, write down and transcribe the said Depositions or any of them so help you God. John Lewis Milland

Sworn to before me this 15 day of February 1817 by Jno. L. Milland.

E. J. Milland, Commissioner

And the said cause so standing was continued until March Term Eighteen hundred and seventeen, and the said Mary Milland, Jeremiah Booth and Ann his wife, James Walker, Harriot Walker, Joseph Walker, Ann Walker and Milly Walker having failed to answer to the said Bill of Complaint, thereupon on motion of the said Nicholas Barberry, Andrew Ochler and Rose Ann Ochler his wife by their Solicitors aforesaid an attachment to answer was issued returnable to the next Term. At which said next Term to wit, the first Monday of May Eighteen hundred and seventeen the said cause so standing continued until the said Term the Sheriff of Saint Mary's County made return of the said attachment thereon endorsed to wit

"Attached all." John Cole Sheriff

And the said John Cole sheriff of the county aforesaid although solemnly called upon by order of the Court here on motion of the said Nicholas Barberry, Andrew Ochler and Rose Ann Ochler by their solicitors aforesaid to bring into Court here the bodies of the said Mary Milland, Jeremiah Booth & Ann Booth his wife, James Walker, Harriot Walker, Joseph Walker, Ann Walker and Milly Walker whom he ought to have here this day in pursuance of the command of the attachment aforesaid and according to the tenor of his return thereof as aforesaid brings not into Court here the said Mary Milland, Jeremiah Booth and Ann Booth his wife, James Walker, Harriot Walker,

Joseph Walker, Ann Walker and Milly Walker but thereon doth make default, whereupon on motion of the said Nicholas Barberry, Andrew Ochler and Rose Ann Ochler his wife by their solicitors aforesaid, it is ordered by the Court here that the said John Cole Sheriff of the County aforesaid be amerced the sum of five shillings in case he brings not into Court here the bodies of the said Mary Milland, Jeremiah Booth and Ann Booth his wife, James Walker, Harriot Walker, Joseph Walker, Ann Walker and Milly Walker on the first monday of August next and the same day is given to the said Nicholas Barberry, Andrew Ochler and Rose Ann Ochler his wife also.

At which said first Monday of August Eighteen hundred and seventeen, at which Term on motion of the Nicholas Barberry, Andrew Ochler and Rose Ann Ochler his wife by their solicitors aforesaid it was ordered by the Court here that the Sheriff of the County aforesaid produce the said Mary Milland, Jeremiah Booth & Ann Booth his wife, James Walker, Harriot Walker, Joseph Walker, Ann Walker & Milly Walker forthwith and the said cause so standing was continued from Term to Term of the said Court until March Term Eighteen hundred and eighteen at which said term the said Mary Milland, Jeremiah Booth and Ann Booth his wife, James Walker and Milly Walker five of the said Defendants to the said bill by their solicitors aforesaid filed in Court here their answer in the words following to wit.

The joint and several answer of Mary Milland, Jeremiah Booth & Ann his wife, James Walker and Milly Walker, heirs and widow of Bennet Walker late of Saint Mary's County deceased, to the bill of complaint of Nicholas Barberry, Andrew Ochler and Rose Ann his wife, filed in the County Court of Saint Mary's county against the said Mary Milland & Jeremiah Booth and Ann his wife, James Walker and Milly Walker and others. These defendants now and at all times hereafter reserving to themselves, all and every manner of benefit of exception to the many informalities and uncertainties in the complainants bill contained for answer thereunto or such parts thereof as they are advised are material for them to answer unto, answer and say, that they are entirely ignorant of any of the transactions alledged to have taken place in the complainants bill, between the said Nicholas Barberry and Ann Barberry and the said Bennet Walker, nor have they or either of them ever heard the said Bennet Walker say any thing in relation thereto nor have they any reason to believe that the said Bennet Walker did buy the Lands in the said bill mentioned in trust for any person mentioned in the said bill, on the contrary they do believe that the reverse was the truth, from the circumstance that the said Walker paid a full price for the same, charged the said Barberry's Widow a rent for the said Lands immediately after the purchase and received payment for the same from the said Arthur Thompson who intermarried with the said Ann Barberry, a transaction utterly irreconcilable as these Defendants contend with the pretensions now set up by the complainants, that the said Walker made very expensive improvements by erecting buildings on the said Lands, resided thereon and exercised uncontrolled acts of ownership over the said Land till his death, which happened in the year 1809, without any claim being prosecuted on the part of those who now claim under the pretended Trust, these respondents believe if any such trust was ever entered into that it was subsequently abandoned as they have heard and believed that the said Patrick Barberry was much embarrassed and was in the habit of obtaining money from Joseph and Bennet Walker. These respondents cannot find among the papers of the said Bennet Walker any papers whatever in relation to this pretended Trust, they do object and oppose to the complainants bill, the great length of time, which has elapsed since the purchase made by the said Walker the payment of rents as made to the said Walker, by those who claim under the pretended trust, the omission to prosecute any claim, and the extensive and valuable improvements made thereon, to the complainants prayer without this, that there is any thing in the complainants bill, which is material for these defendants to answer unto, which is not here answered unto traversed or denied, wherefore they pray hence to be dismissed with costs. Chas. Dorsey for Defts

March 6th 1818 Be it remembered that Milly Walker, Mary Milland, James Walker, Jeremiah Booth and Ann his wife, personally appeared before me the subscriber a Justice of the Peace in and for Saint Mary's County and severally made oath on the Holy Evangels of Almighty God that they verily believe the facts stated in the preceeding answer to be true.

Sworn to before Thos Spalding J.P