fifteen hundred or two thousand dollars, it would be more than its value with the incumberances.

Answer — He does not recollect —

Question by John M S Causin Esq — State what conversation occured between you and Capt Wills at his own house, after the sale and relative to the same —

Answer — After the sale of the lands, Deponent informed Capt Wills at his Wills house that he Deponent had offered Mr Stone to raise the money to pay of the above executions and stop the sale said Wills replied that he, said Stone was aware of that, and that said Stone had made the arrangement to prevent Deponent from having control of the Fieri Facias, said Wills informed Deponent that said Stone had so informed him and that said Stone also informed him Wills, that he was afraid if Deponent got control of the execution, he might cut out other Creditors —

Question. Did you or did you not at any time prior to the ishuing of these fieri facias; relieve the land by discharging Executions against them —

Answer — In the month of September Eighteen hundred and thirty three lands were advertised for sale by legal process. When Deponent at the request of Henry S Hawkins, on the Morning of the day of Sale, from Deponents own funds, and by borrowing other money, relieved the land by paying the debt amounting to about three thousand one Hundred dollars, Deponent had Negroes of Henry S Hawkins in his possession. Which he has since sold immediately thereafter sufficient to reimburse himself —

Question — If on the day of sale you had known that said Stone was not the Agent of Mr Hawkins to sell the land or had no controul over it, and that the land must be sold, would you or not have stopped the sale by paying the money —

Answer — He had made the offer once before, and if he had supposed Mr Stone had not been the agent of Mr Hawkins, he would, on the day of sale have raised the money and paid off the Judgments under which the lands were sold —

Question — Do you or do you not know whether the claim of one thousand dollars to be due as a part of the purchase money of William Hoskin Smoots land has been paid —

Answer — The land was sold originally at Sheriff sale to Thomas Carries, Henry S Hawkins afterwards purchased from said Carries; paid One Hundred and fifty Dollars of the purchase money, and applied to Deponent to become his security which he declined, but agreed that if he Hawkins would permit Deponent to become the purchaser, he would deed the land to said Hawkins or any other person he might direct, when the same was redeemed by the purchase money he thinks he gave a written Instrument of writing to that effect to said Henry S Hawkins, He Deponent then became the purchaser from Thomas Carries about two or three years afterwards ago —

Question by Purchasers — Was there not a ballance due you on an account presented by you to William B Stone against the Estate of Henry

S Hawkins and what is the balance thereon —

Answer — There was a balance due on said account, but does not recollect the amount, He deponent some time after the presentation of the account, staled to said Stone, that there were errors in the account, and he Deponent expected to collect other debts in which event, the amount of which would be considerably This account is still unsettled —

Test John Barnes Clk of
Charles County Court
Jany 29th 1833 —

John Mathews a witness produced on the part of the Objectors being duly sworn in open Court deposeth and saith, that the fieri facias issued, and under which the lands mentioned in the Venditioni Exponas were sold, at the instance of Deponent two of the Judgments being due to him, the other he Deponent had the agency of, they were issued on or about the Eight day of September Eighteen hundred and thirty one and delivered to Thomas Perry Esquire Sheriff of Charles County with verbal instructions to levy them with all possible expedition, to protect the interest of Deponent and his principal, having been informed that Henry S Hawkins the Defendant was dangerously ill and probably could not survive many days, at the time of the delivery of the Fieri Facias he furnished said Perry with the names of the lands, upon which he Deponent wanted them levied, which he believes to be the same mentioned in the schedules, that a few days thereafter Deponent was informed of the death of Hawkins the defendant and shortly thereafter that Letitia A Hawkins his widow had taken out letters of administration on his personal estate and appointed William B Stone Esquire her agent for the settlement thereof, that the said personal estate was advertised for sale, Expressed in the notice to be by order of the Orphans Court of Charles County on a credit of six months that about the time of the sale or shortly thereafter Deponent enquired of said Stone in what way it was contemplated to pay the debts due on these fieri Facias; At the same time Deponent informed said Stone he was unwilling to do any thing prejudicial to the persons interested in the Estate, at this time the lands taken under the fieri facias, had not been advertised for sale, and he expressly directed Perry the Sheriff not to advertise them until the Deponent could endeavour to effect a settlement of the debts in some other way, said Stone informed Deponant, if he would desist from pressing these debts for the present he would apply such money as he might receive of the proceeds of the sale of the personal Estate of Hawkins the Defendant to their discharge to which Deponent assented, provided he Stone would discharge the principal and Interest of the debt of which Deponent had the agency which was acceded to by said Stone, and the money paid by him, alleging at the same time, it was from his own funds, About the Month of July last, no arrangments being made for liquidating Deponents Claim, and being informed by said Stone that he could not consistently with his duty pay the whole amount of these claims, the funds arising from the sale of the personal, being inadequate to the payment of Hawkins the Defendants debts, he Deponent, directed Perry the Sheriff to advertise the lands taken by him, to be sold at the Court house door of Charles County sometime in the Month of August last, before the day of sale arrived at the suggestion and solicitation of Doctor John L Hawkins, Deponent agreed to suspend the proceedings, and unite with other creditors of Hawkins the Defendant in an application to Charles County Court