said answer contained are true to the best of my knowledge & belief — John Ward

Cecil County, twenty day May 20th 1809. I hereby certify that I by virtue of this Commission do appoint Mr John Ward Guardian to John W. Comegys the infant in the Commission, and have taken the said answer of said infant to the said bill of Complaint by his said Guardian, which said answer was sworn to by said Guardian in my presence, and which answer is annexed hereto. all which I attest under my hand and seal. Richard Davis (Seal)

And the said cause so standing continued until July Term 1810. when the parties by their attorneys aforesaid filed in Court the following Agreement — viz —

Harvey & Wath vs Comegys & others } In Chancery. We agree that a Commission issue to William Spencer of Kent County, to take depositions in the above cause — W. Carmichael for Compt. Luther Martin for Deft.

And at the same time Commission issued by consent to William Spencer Esquire of Kent County, in pursuance of said Agreement to take testimony in the words following, viz — Maryland ss. The State of Maryland to William Spencer Esquire of Kent County Greeting: Know ye that we have appointed you to be a Commissioner to examine witnesses in a cause depending in our high Court of Chancery, between Samuel Harvey and James Worth Complainants and John Ward and John W. Comegys defendants We therefore require you 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 & place as to you shall seem convenient you cause to come before you all such witnesses as shall be named and produced to you either the plaintiff or defendant, and that you examine them, on their Corporal Oaths, to be by you administered on the holy Evangels 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 our Commission close under your hand and Seal to us in our high Court of Chancery — with all convenient speed Witness the Honorable William Kilty Esquire Chancellor this 13th day of July Anno Domini 1810. Test Nicholas Brewer Reg. Cur. Cancr.

Commissioners Oath. You shall according to the best of your skill & knowledge truly faithfully and without partiality to any or either of the parties take the examination 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.

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 or Witnesses produced before and examined by the Commissioner named in the Commission hereunto annexed as far forth as you are directed or employed by the said Commissioner to take write down & transcribe the said Depositions or any of them — So help you God.

And the said cause so standing continued until February Term 1812. when the Commissioner William Spencer made return of the said Commission with his proceedings under the same in the words following viz. The foregoing Oath was administered by me a Justice of the peace for Kent County to William Spencer the Commissioner named in the annexed Commission on the 17th day of November 1811. Eph. Vansant

The foregoing Oath was administered by me to John Sloops Esquire appointed Clerk to the Commission previous to the execution — Wm. Spencer Nov. 27th 1811.

The execution of this Commission appears in the Schedule hereto annexed Wm. Spencer Com. Samuel Harvey & James Worth pl. John Ward & John W. Comegys — Defendants

1st Do you know the parties Complainants & Defendants in the title of these Interrogatories

2d Did you know one William Comegys the father of the above named John W. Comegys, die he intermarry with the daughter of the above named John Ward.

3. Have you any knowledge of a plantation and Farm which the above John Ward mortgaged to a certain Baker & Comegys, Merchants of Philadelphia, & which he afterwards made over for to the above named William Comegys. How much land does the said Farm contain, is it a good and valuable Farm, How much does such land sell for in the neighbourhood and what would be a fair price & care for the said land — 4th Look at the paper marked A & in whose hand writing is the body of the said paper and the name William Comegys —

5th Had you any conversation with William Comegys relative to his application to Baker & Comegys to assign him the Mortgage which they held on John Wards farm. did he tell you that Baker & Comegys refused to assign the Mortgage to him, unless he agreed to secure the Judgment which Harvey & Worth had against John Ward, and that the assignment was finally made on these Terms. relate all you know on the subject — Wm. Carmichael for Compt.

Depositions of Witnesses taken at the house of Richard Barnaby in Frederick Town in Cecil County, in the State of Maryland on this twenty seventh day of November in the year eighteen hundred and eleven by virtue of a Commission issued from the high Court of Chancery on the thirteenth day of July in the year eighteen hundred and ten, directed to William Spencer to examine Witnesses in a cause therein depending wherein Samuel Harvey and James Worth are Complainants and John Ward & John W. Comegys defendants —

Ephraim Vansant the fourth a Witness produced on behalf of the Complainants of lawful age being first duly sworn to declare the truth, doth depose & make the following answers to the Interrogatories filed on behalf of the Complainants —

First To the first Interrogatory he answereth and saith that he doth know the parties Complainants & Defendants. Second. He answereth and saith that he was well acquainted with William Comegys the father of John W. Comegys who intermarried with the daughter of John Ward. Third. He has several times been upon the Farm which he understood was mortgaged by John Ward to Messrs Baker & Comegys of Philadelphia and which he has since heard Mr Comegys say Mr Ward had deeded to him. He does not know the number of acres of land contained in the said Farm, It has the appearance of a good Farm so far as he has observed it, and he has generally heard of land — is — in that neighbourhood selling for a good price — Fourth. he has seen Samuel Harvey and William Comegys both write, and believes the body of the paper marked Number one, to be the hand writing of the former, and the name subscribed thereto to be the hand writing of the latter — Fifth — He was requested to call on Mr Comegys (he believes a second time in the year eighteen hundred and two or three) for the purpose of obtaining his Bond for Harvey & Worth, for the amount of their Judgment against John Ward — When he waited on Mr Comegys at his house for the above purpose he entered into considerable conversation relative to the business, and observed that he had been in Philadelphia, and that Harvey and Worth had differed from him about the manner of closing the securing of the Judgment, that they wanted his Bond, and he said he had promised to pay them, and thought they ought to have been satisfied with his word and that he would not give a bond — He has also several times heard William Comegys & John Ireland converse upon the subject, and he well remembers to have heard Mr Comegys say, that Baker & Comegys would not assign him their Mortgage on the said Farm, unless he Mr Comegys would agree to secure Harvey & Worth's Judgment, and that he had finally agreed to do so. — Eph.m Vansant 4th — Test John Sloops.

John Ireland — a Witness produced on behalf of the Complainants being first duly sworn to declare the truth, doth depose and make the following answers to the Interrogatories filed on behalf of the Complainants. First. I am well