the proceeds of the property in the maintenance of herself and all my children unless my wife should marry before my said son arrives at the age of twenty one in which event she is to have no control whatever over any of my property.

Item I will and desire that my executor hereinafter named as soon after my decease as convenient, shall sell at public sale for the payment of all my just debts my house and lot in the village of Centreville containing about twenty acres and also my tract of land lying near the District line in Prince Georges County & containing about seventy acres and my said executor is hereby authorised and empowered to convey in fee simple the said property to the purchasers thereof.

And lastly I do hereby constitute and appoint William F. Berry sole executor of this my last will & testament.

In Testimony whereof, I have hereunto set my hand and affixed my seal this day of July 1843. Elisha Berry (Seal)

Signed sealed published and declared by Elisha Berry the above named Testator as and for his last will & testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

P. C. Scott, R. W. B. Chew, Jno. J. Rantzen.

Prince Georges County Set, June 8th 1841. } Then came Robert W. B. Chew one of the subscribing witnesses to the within and aforegoing will & made oath on the Holy Evangels of Almighty God that he did see Elisha Berry the testator therein named sign and seal the same & heard him publish pronounce and declare the same to be his last will & testament & that at the time of his so doing, he was to the best of his apprehension of sound and disposing mind memory and understanding & that he together with P. C. Scott & John J. Rantzen the other two subscribing witnesses respectively subscribed their names as witnesses thereto in the presence of the testator at his request and in the presence of each other. Sworn before

Phil. Chew, Regr. of Wills for P. G. County.

In Testimony that the aforegoing copy of Elisha Berry's last will & testament is truly copied from the original filed & recorded in the Register of Wills office for Prince Georges County.

I have hereunto set my hand and affixed the seal of the Orphans Court of said County this 8th day of July 1840.

Test. Phil. Chew, Regr. of Wills for P. G. County.

Defendants Exhibit No. 5.

Know all men by these presents that I Elisha Berry of Prince Georges County in the State of Maryland are held and firmly bound unto William F. Berry of the County & State aforesaid in the sum of five thousand dollars current money of the United States to which payment well and truly to be made and done I bind myself my heirs executors and administrators firmly by these presents sealed with my seal and dated this twenty first day of June eighteen hundred and thirty nine, Whereas the above bound Elisha Berry has this day sold to the above mentioned William F. Berry certain parcels of land lying and being in the County aforesaid and has conveyed the same by deed bearing

equal date with these presents & to be recorded among the land records of said County and whereas Deborah Berry the wife of the said Elisha Berry has refused to join him in said deed although he the said Elisha Berry has deeded said lands free and unincumbered of the contingent right of dower on the part of the said Deborah Berry, Now this obligation witnesseth that if the said Deborah Berry wife of the said Elisha Berry shall at any time hereafter set up any claim of Dower in and to the said lands & premises in the aforementioned deed particularly described then and in that event this obligation to be of full force in law otherwise to be of no effect.

Test. J. G. Pratt. Signed Elisha Berry. (Seal)

Here follows the answer referred to in the aforegoing answer of the said Defendant William F. Berry together with the Exhibits.

To the Honourable Hezekiah Bland Chancellor of Maryland.

The answer of William F. Berry to the Bill of complaint heretofore filed in the High Court of Chancery against him by Elisha Berry. This Respondent saving and reserving to himself all and all manner of exception to the many errors in the said Bill of complaint contained for answer thereunto or unto so much thereof as he is advised it is material for him to make answer unto answers & says, That it is true that sometime in the beginning of the year eighteen hundred and thirty six this respondent was appointed by the Complainant Elisha Berry his agent to manage his estate but this respondent wholly denies that said appointment was made at the solicitation or request of this respondent on the contrary this respondent alleges that he was solicited by the complainant who is his brother to take charge of his business as his agent and that he was induced to become his agent by the representation of his said Brother that one Richard H. Marshall who was then acting as his agent had greatly defrauded him and was contriving to cheat and defraud him and your respondent believed it to be his duty to act as the agent of the Complainant and prevent if possible the consummation of the contemplated fraud on the part of his then agent R. H. Marshall, That this respondent accordingly at the request of the said complainant, employed Counsel and in the name of the said Elisha Berry filed in Prince Georges County Court as a Court of Equity on the 7th day of May 1836 a Bill to revoke the authority which had been conferred by the Complainant on the said Marshall and that said Marshall might render an account of his trust and be enjoined from any further interference with the property of the said Elisha Berry which resulted in a decree passed by said Court in January 1839 gratifying the prayer of the Complainants Bill. This respondent would here state that the first intimation he had of any intention on the part of the Complainant to discontinue him as his agent was on the 2nd of March 1840 when one Robert W. Brooke who is now acting as the agent of the said Elisha Berry called upon this respondent and informed him that the said Elisha Berry had appointed him the said Robert W. Brooke his agent that this respondent immediately