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 the 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 and produced to you by the Plaintiffs, and that you examine them on their corporal oaths to be by you administered upon the Holy Evangely of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid and that cause notice to be given to the Compltt. or their attornies 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 Theodorick Bland Esquire Chancellor this 19th day of July Anno Domini 1841.

Test. Ramsay Waters, Reg. Cur. Can.

Commissioner's Oath. You shall according to the best of your skill and knowledge truly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereto 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. Sworn before. J. B. Bett J.P.

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 witness and witnesses produced before and examined by the commissioners named in the Commission hereunto annexed as far forth as you are directed and employed by the said commissioners to take write down and transcribe the said depositions or any of them. So Help you God. Sworn before. J. B. Bett.

Elisha Berry, Robert W. Brooke and others. vs. William F. Berry.

In Chancery. Interrogatories to be propounded to the witnesses on the part of the Complainants under the ex parte Commission.

1. Do you know the parties to this cause and if yea for what period of time, the Complainants are Elisha Berry Robert W. Brooke and Mary Ann his wife, Louisa Berry, William Berry, Harvey Berry and Eliza Berry the Defendant is William F. Berry and state also the relation of the Complainants to each other and which of them are minors.

2. State if you know the condition of the Complainant Elisha Berry's mind and his mental capacity for transacting business on or about the 7th of May 1836 and for some time prior to and subsequent to that period and whether from his feeble intellect he is not absolutely incapable of managing his own concerns at least easily imposed only by the artful and designing.

3. What relation did the defendant William F. Berry bear to him and did he not about that time become the agent and trustee of the said Elisha Berry and take upon himself the management as such agent and Trustee of the property of the said Elisha and attend to all his business concerns of every description and to what period of time did this exclusive control over the affairs of the said Elisha by the said defendant continue.

4. Do you know the tracts or parcels of land in Prince Georges County parcel of the real estate of the said Elisha Berry called "Chillum Castle" Belfast or Addition to Charles Gift and Lees choice diminished If yea state the number of acres contained in each and the value of each and whether the defendant is not in possession of the same and from what time he has been in possession of them.

5. Do you know the condition of the said Elisha Berry's bodily health and mental capacity on or about the twenty first of June in the year eighteen hundred and thirty nine; If yea state fully all you know about it especially with reference to his ability to dispose of his estate at the period mentioned to understand the nature and character of an instrument presented for his execution.

6. Do you know any thing of the circumstances attending the execution of a conveyance from the said Elisha Berry to the Defendant dated 21st June 1839 of the parcels of land mentioned in the 4th Interrogatory, If yea state all the particulars and whether said conveyance was read to or by said Elisha prior to its execution.

7. Are you acquainted with the pecuniary affairs of said Defendant and were you so acquainted at the date of said conveyance and before and subsequently thereto. If you are say whether you think it possible he could have paid the consideration money mentioned in said deed say of $4000.

8. Had he the said defendant at the time he became the agent and trustee of said Elisha any property whatever or employment for the support of himself and family state all you know upon this subject fully.

9. Is or is not the sum of $4000 an adequate or near an adequate consideration for the lands mentioned in and conveyed by said deed,

10. What have been the annual profits of said lands since the date of said deed (21 June 1839) and since the same have been held by the said defendant, state this as accurately as you can.

11. Do you know any other matter or thing material to the Complainants, If you do state the same fully.

J. Johnson for Compltt.

Elisha Berry, Robt. W. Brooke and others. vs. William F. Berry.

In Chancery. At the execution of a commission issued out of the High Court of Chancery of the State of Maryland the nineteenth day of July in the year of our Lord one thousand eight hundred and forty one and directed to Thurman Tyler Esquire of Prince Georges County empowering him to examine evidences on behalf of the Complainants in a cause depending in the said Court between Elisha Berry, Robert W. Brooke and others