the children of Elisha Berry and Robt. W. Brooke is the husband of one of the Complainants Mary Anne.

To the second Interrogatory, His witness says that he was well acquainted with the condition of Elisha Berry's mind as well as his capacity for transacting business about the period alluded to and prior and subsequent thereto and that he considered him altogether incapable of attending to any business and easily imposed upon by pretended friends or the artful and designing he (the deponent) also says that his means of information on this subject are very extensive as he had transacted business for him nearly twenty years.

To the third Interrogatory, He says that William F. Berry was the reputed natural half brother of the said Elisha and that about the month of October 1836 he the defendant became the agent and trustee of his brother Elisha and took upon himself the management of all his property and business concerns and had the whole controul up to the month of March 1840.

To the fourth Interrogatory, His witness says, That he knows all the parcels of land that they contain about three hundred acres he deems their value at about thirty five dollars per acre that the defendant has been in possession of them since October 1836 up to the present period.

To the fifth Interrogatory, His Deponent says that about the time referred to in this Interrogatory he the said Elisha Berry was excessively addicted to drink hardly ever sober appeared to be very weak in bodily health and not able to ride on horseback that at or about this time, witness saw him in a carriage and understood he was going to William F. Berry, who had sent for him the said Elisha to execute a deed he also appeared very stupid and weak at that time witness also considered him at that time altogether incapable of executing any legal instrument or comprehending the nature or character of one.

To the sixth Interrogatory, His deponent says he was not present and therefore knows nothing of the circumstances attending the execution of this conveyance at that time.

To the seventh Interrogatory, He says he was acquainted with the pecuniary affairs of said defendant at the time of said conveyance and prior and subsequent thereto and that he does not think it possible that the defendant could have paid from his ostensible resources the consideration money mentioned in said deed his only ostensible property during the summer of 1836 was a horse and saddle which was under legal execution and had to be released by witness.

To the eighth Interrogatory, His deponent says, That he refers to his answer to the seventh Interrogatory but also states, that at this time the defendant was employed by witness as overseer for Elisha Berry at "Springfield" at the rate of one hundred dollars per annum.

To the ninth Interrogatory, His deponent says that when defendant was trustee for said Elisha he could have procured six thousand dollars for the land and considers it richly worth thirty five dollars per

acre and therefore he deems four thousand dollars an inadequate price.

To the tenth Interrogatory, His witness says, He does not know the actual annual profits but considers four hundred dollars a fair annual rent for it.

To the eleventh Interrogatory, His deponent believes that William F. Berry's influence over Elisha Berry at the time of his becoming trustee for him was of a most unlimited character and that Elisha reposed the greatest confidence in him and that he could have obtained from Elisha any instrument affecting his property.

Waring Somers another witness of lawful age produced on the part of the Complainants being duly sworn and examined to interrogatories filed with me the said Commissioner by the Complainants and herewith returned deposes and says.

To the first Interrogatory, That he has known Elisha and William F. Berry for fifteen years or so that he has known the children of the said Elisha from their births and Robert W. Brooke one of the Complainants about two years he the witness also says that all the children of Elisha are minors and that Brooke is the husband of Mary Anne daughter of said Elisha.

To the second Interrogatory, That he knew the condition of Elisha Berry's mind and his mental capacity for business about the time referred to in this interrogatory and prior and subsequent thereto that he the said Elisha was at all times of weak and feeble intellect utterly incapable incapable of managing his own concerns and easily imposed upon by the artful and designing especially if under the mask of friendship.

To the third Interrogatory, That William F. Berry was the reputed natural half brother of said Elisha and that sometime in the year 1836 the defendant became the agent and trustee of said Elisha attended to all his business concerns and had the exclusive controul over him he also says that this regularly continued until sometime in the year 1840.

To the fourth Interrogatory, He says he knows the parcels of land referred to in this Interrogatory containing as he believes about two hundred and eighty or ninety acres and deems its value per acre at thirty five or forty dollars that the defendant is now in possession and has been since 1836.

To the fifth Interrogatory, He says that about the time referred to in this interrogatory the said Elisha Berry was much addicted to hard drink and that he was extremely weak in bodily health that his intellect naturally weak was much more impaired by drink that this witness did not think him at all capable of disposing of his estate or to understand the nature or character of a legal instrument and he has often heard William F. Berry state that his brother Elisha was entirely incapacitated for any sort of business.

To the sixth Interrogatory he says he knows nothing.

To the seventh Interrogatory, His deponent says that he was very intimate with the defendant knew his circumstances well and knows