of no property belonging to him except a horse and saddle and a buggy either at prior or subsequent to the time of the deed mentioned in the sixth interrogatory this witness also says that he does not think it possible from his ostensible resources that he could pay the consideration money four thousand dollars.

To the eighth Interrogatory, He says that defendant had at that time no property except that mentioned in his answer to the last interrogatory he had no support for himself and family except the amount of wages paid him as overseer by Richard H. Marshall then trustee of Elisha Berry.

To the ninth Interrogatory, The witness says, That having already stated the value of the lands per acre he does not hesitate to declare that four thousand dollars is an entirely inadequate consideration for them.

To the tenth Interrogatory, He says he thinks four or five hundred dollars a fair rent for this land per annum at date of said deed June 21st 1839.

To the eleventh Interrogatory, He says that he believes Elisha Berry would sanction any thing told him by William F Berry as he would without inquiry sign any instrument or perform any act asked of him by defendant and that this resulted from the unlimited control that William F Berry was capable of exercising over him and the unbounded confidence reposed in defendant by Elisha.

Edward Darcey a witness of lawful age produced on the part of the Complainants after having been duly sworn on the Holy Evangely of Almighty God and examined to interrogatories filed with me the said Commissioner by the Complainants and herewith returned deposes and says.

To the first Interrogatory, He answers, That he knows Elisha and William F Berry and some of the children of said Elisha referring to the date of Elisha's marriage he knows that they must all be minors he has known Robert W Brooke since he resided in the neighbourhood about two years or so.

To the second Interrogatory, He says that he has known Elisha from childhood up to the present time and always considered him a man of very feeble intellect that he never deemed him capable of managing his own affairs and that he might easily have been duped by an artful and designing man.

To the third Interrogatory, He says that William F. Berry was the reputed natural half brother of Elisha and as to the other matters contained in this interrogatory he knows nothing.

To the fourth Interrogatory, He says that he knows these lands very well and supposes they contain about 280 or 90 acres he considers their value now at about thirty five dollars per acre that the defendant now is and has been in possession of them ever since the time of his having been appointed trustee.

To the fifth Interrogatory, He says that he knows nothing of Elisha's bodily health at this time and as to his mental capacity this witness refers to his answer to the second interrogatory upon that point.

To the sixth Interrogatory he knows nothing.

To the seventh Interrogatory, This witness says, he does not know of any ostensible means from which defendant could raise four thousand dollars mentioned as the consideration money in the deed.

To the eighth Interrogatory, He says that defendant had no property of much value at this time and no support for himself and family except his wages as overseer.

To the ninth Interrogatory, He refers to the estimate of the value per acre mentioned by him in his answer to the 4th interrogatory

To the tenth Interrogatory, He considers $400 dollars about a fair rent and knows nothing more of its annual profits.

To the eleventh Interrogatory, He knows nothing more.

William B Beall a witness of lawful age produced on the part of the Complainants after having been duly sworn on the Holy Evangely of Almighty God and examined to interrogatories filed with me the said Commissioner by the Complainants and herewith returned deposes and says.

To the first Interrogatory, He says that he has known Elisha and William F Berry some ten or fifteen years he knows some of the children and believes they are all minors he the deponent also says that he has known Robert W Brooke three or four years and that he is the husband of one of Mr Elisha Berrys daughters.

To the second Interrogatory he deposes, That he knows that about this time Elisha Berry's mind was greatly impaired by drink that he was generally drunk when he the deponent saw him and he deemed him utterly incapable of managing his business but does not know whether he was easily imposed upon or not.

To the third Interrogatory, He says that William F Berry was the reputed natural half brother of Elisha, and witness heard William F Berry say about that time that he was the agent of his brother Elisha and had the exclusive management of his business but he does not know when this agency terminated.

To the fourth Interrogatory, He says, That he knows these lands and supposes there are from 290 to 300 acres he thinks their value at forty dollars per acre and that said defendant has been in possession of them some four or five years.

To the fifth Interrogatory, He says, that Elisha Berry seemed to be very weak about that time and he never saw him look worse this witness does not undertake to say whether Elisha Berry understood the nature of a legal instrument or not.

To the sixth Interrogatory, He says he knows nothing.

To the seventh Interrogatory, He says he does not think defendant was able to pay four thousand dollars the consideration money of said deed from any ostensible means at that time.

To the eighth Interrogatory, He says he does not know of any employment or support he had for himself or family at this time or any property.

To the ninth Interrogatory, He refers for an answer to this to his answer to the fourth interrogatory.

To the tenth Interrogatory, He says that he would suppose it worth