of the defendant, after having been duly sworn on the Holy Evangely of almighty God, and examined to Intg. filed with me the said Commissioner by the defendant, and herewith returned deposes and says, to wit.—
To the 1st Intg. He deposes and says, That he knew Elisha Berry and Robert W Brooke, and some of the children of the said Elisha Berry and also knows defendant, He knew Elisha Berry ten or fifteen years before his death, Robert W Brooke since his marriage, about two years and the defendant William F Berry about the same time that he knew Elisha Berry.—
To the 2d Intg. He answers and says, that he knew Elisha Berry sufficiently well about the period referred to in this Intg and before and since to speak of his mental capacity for transacting business— Witness believes Elisha Berry in a sale of his own property was capable of Judging of and protecting his own rights.— He does not think he could be easily imposed on in a matter involving his own interest, In his pecuniary transactions, he was close and careful, Witness says he resided in the neighborhood of Elisha Berry and had frequent dealings with him as an officer, and that he had frequently seen persons trying to bargain with him and he always seemed to be careful of his own interest.—
To the 3d Intg. He deposes and says, that he has had opportunities of Judging of the defendants character in these respects, and deems him honest and upright.—
Waived as to this Witness to the 11th Intg.—
To the 11th Intg. He deposes and says, that by looking at papers numbered from "R No. 1, to No. 25 inclusive, he the witness knows the signatures to papers marked Nos. 2, 4, 5, 9, 13, 14, 15, 16, 17, 18, 19, 24 and 25 but he says that No. 2, 16, 17, 18 and 19 are signed by himself and was for money due by Elisha Berry and paid for him by the defendant to this witness.—
Waived down to the 17th Intg.—
To the 17th Intg. He answers and says, that he does not know the lands by name, but knows the lands upon which the defendant resides, about this period and since, he deems their value at about twelve dollars per acre, at that period, his opportunity of forming a correct Judgment, was from living in the neighborhood and being on the land, they are worth much more now in consequence of improvements, put on them since the defendant lives there.—
James B Bett another witness of lawful age, produced on the part of the defendant, after having been sworn on the Holy Evangely of almighty God and examined to Intgs filed with me, the said Commissioner by the defendant, deposes and says.—
To the 1st Intg. He deposes, that he knew Elisha Berry 8 or ten years before his death, he has known Robert W Brooke about two years, but he does not know the children of Elisha, he has known the defendant nearly ten or twelve years.—
Waived down to the fifteenth Intg.—
To the 15th Intg. He answers and says, that the paper marked No. 7, and herewith returned is signed in the hand writing of Elisha Berry, and was acknowledged before witness as a Justice of the peace, and he also says, that Elisha Berry was sober at the time of signing the same.—

Thomas G Pratt, a witness of lawful age, and one of the solicitors for defendant after being sworn on the Holy Evangely of almighty God and examined to Intg. filed with me the said Commissioner by the defendant, deposes and says.—
To the 1st Intg. He deposes, that he knew Elisha Berry, and is acquainted with Robert W Brooke and William F Berry the defendant, he does not know the other parties.—
Waived to the 13th Intg with the exception of the eleventh which will appear on the next page.—
To the 13th Intg. He answers and says, that he saw Elisha Berry sign the paper marked No. 6 and herewith returned.—
To the 14th Intg. He says the paper marked No. 6 and herewith returned was signed by Elisha Berry in the presence of witness, and attested by him, Witness knew Elisha Berry but slightly, and believes that he was sober at the time of the execution of said paper marked No. 6, this paper was prepared by witness as the attorney for William F Berry, and was executed in his Office, and attested by him, this witness has no positive recollection whether it was read by or read over to said Elisha Berry, but his impression is, that he the witness read it over to him before its execution.—
His witness was also examined to the 11th Intg, and says that the paper marked No. 25, was the note of Elisha Berry, given by him to witness for a fee in trying a case of said Berry, and was paid to witness by the defendant William F Berry.—
William B Jones another witness of lawful age after being sworn on the Holy Evangely of almighty God and examined to Intgs filed with me the said Commissioner by the defendant, deposes and says.—
To the 1st Intg He deposes, that he knew Elisha Berry about three years before his death, he has known Robert W Brooke about two years does not know the children of Elisha Berry, he has also known the defendant William F Berry about three years.—
Waived down to the 11th Intg.—
To the 11th Intg, He deposes and says, He examined all the papers from R, No. 1, to No. 25 inclusive, and knows none except the paper marked No. 20 herewith returned, this paper is signed by witness, the money specified in this paper, was for money due from Elisha Berry, and was paid to witness by William F Berry.—
There being no other witnesses to be examined this day, at the request of Thomas G Pratt Esq. one of the solicitors for defendant, I adjourned the within commission to the office of C. C. Magruder Esq. solicitor for defendant to Saturday the eleventh day of December at the hour of 12 Oclock A. M. of the same year, when and where I attended previous notice thereof having been given to both complainants and defendant and their respective solicitors, and no witnesses being produced before me, at the request of C. C. Magruder Esq. solicitor for the defendant I adjourned the said commission to the same place and hour on Tuesday the fourth day of January in the year of our Lord one thousand eight hundred and forty two, when and where I attended previous notice thereof having been given to the complainants and his solicitor,