Elisha Berry for whom in that year he witness was overseer, there were four barrels of corn he thinks at four dollars per barrel, he does not know the quantity of wheat, or the price to be paid for it.

This Int'y was objected to by Jno B Brooke Esq. solicitor for complainants on the ground that defendants solicitor had no right to cross examined his own witness, which objection is herewith returned with the Commission.

There being no other witnesses to be examined on this day, at the request of C C Magruder Esq. one of the solicitors for defendant, I adjourned the said commission to the Long old Fields Prince Georges County at the hour of 12 Oclock A M, on Saturday the 17th day of February in the year of our Lord 1842, when and where I attended pursuant to notice thereof having been given, to complainants and defendant, and their respective solicitors, and in the presence of the complainant Robert W Brooke and the defendant William F Berry and one of his solicitors C C Magruder Esq. I proceeded to take the following depositions to wit.

Thomas Berry a witness of lawful age produced on the part of the defendant, after being sworn on the Holy Evangely of almighty God and examined to Int'y. filed with me as Commissioner, by the defendant, and herewith returned deposes and says.

To the 1st Int'y He deposes and says, He knew Elisha Berry in his life time, does not know any of his children he has known Robert W Brooke about two years, he also knows defendant.

Waived to the 21st Int'y.

To the 21st Int'y He answers and says, that in the years 1836 the first day of December if he remembers correctly he advanced and gave to the defendant William F Berry the sum of two thousand dollars, the object and purpose of this advance and gift was to enable him, in part to pay for land purchased from Elisha Berry in his life time and upon which the defendant he believes now resides.

Voltaire Willett another witness of lawful age produced on the part of the defendant, after being sworn on the Holy Evangely of almighty God, and examined to Int'y. filed with me as commissioner by the defendant and herewith returned, deposes and says to wit.

To the 1st Int'y He deposes and says, He knew Elisha Berry for a long time before his death he knows some of the children has frequently seen Mr Robert W Brooke and knows William F Berry the defendant.

Waived to the 11th.

To the 11th Int'y He says, he designates the paper marked "R. No. 1" as an account made out by him against Elisha Berry, and paid by the defendant William F Berry for said Elisha, to which his signature is annexed, he witness considered Elisha Berry responsible for the amount which was $ 24.50 cts.

Richard Suter another witness of lawful age produced on the part of the defendant, after being sworn on the Holy Evangely of almighty God and examined to Int'y. filed with me as commissioner by the defendant and herewith returned, deposes and says in manner following to wit.

To the 1st Int'y He says, he knew Elisha Berry some of his children

by sight, he knows Robert W Brooke, and the defendant William F Berry.

Waived to the eleventh.

To the 11th Int'y He deposes, That he designates the paper marked "R No. 23" herewith returned, as account and receipt for Bridge Toll, which were paid by William F Berry for Elisha Berry, to which witness signature is annexed, the first receipt for $ 8.75 the second for $ 6.94.

There being no other witnesses to be examined on this day at the request of C C Magruder Esq. one of the solicitors of defendant, I adjourned the within commission and appointed Saturday the 30th day of April of the same year, as the day on which to reopen the commission and met at the office of C C Magruder Esq. in the Town of Upper Marlbro, at the hour of 12 Oclock pursuant notice thereof having been given to both parties and their respective solicitors and then and there proceeded in the presence of C C Magruder and Thomas G Pratt Esq. solicitors for Defendant, and the Defendant himself to take the following depositions to wit.

Dr James Harper a witness of lawful age produced on the part of the defendant, after being sworn on the Holy Evangely of almighty God and examined to Int'y. filed with me as commissioner, and herewith returned as defendants Int'y. deposes in manner following to wit.

To the 1st Int'y. He deposes and says, He knows Elisha Berry in his life time, he also knows defendant, but knows others of the parties to this suit.

Waived to the twenty third Int'y.

To the 23d Int'y. He deposes, that he is acquainted with Thomas Berry that the defendant is reputed to be his natural son, and that Thomas Berry is a wealthy man.

Enos D Ferguson Int'. a witness examined at a former meeting, was this day re-examined by the defendant and after being sworn on the Holy Evangely of almighty God deposes as follows.

To the 24th Int'y. He deposes and says, that the defendant William F Berry deposited about the first of December 1836 the sum of two thousand dollars that he witness counted the money, and paid the defendant hand it to the Teller of the Bank of Metropolis who received it and deposited.

Thomas E Berry another witness of lawful age, was this day examined on the part of the defendant after having been sworn on the Holy Evangely of almighty God, to Int'y. filed with me as commissioner and herewith returned as defendants Int'y. and deposes as follows.

To the 1st Int'y. He says He knew Elisha Berry before his death he knows all the children by sight, he also knows Robert W Brooke, and the defendant.

Waived as to this witness to the eleventh Int'y.

To the 11th Int'y He says, He designates "R. No. 6" as a receipt for $ 15.75 paid him by William F Berry and it has his the witnesses signature to it, it was given for corn purchased by defendant for Elisha Berry sen, as defendant told him witness that it was carried away by the overseer of Elisha Berry in the teams of Elisha and William F Berry who assisted in carrying it away, he also says the above account was settled with deponent by the defendant William F Berry.