of Nathan Somers of whose family he spoke, where he alluded to the family of Somers.—

The complainants solicitor Jno. B. Brooke Esq. now files the following additional Intg. to be propounded to Samuel Cecil a witness before examined on this day, to which after being sworn on the Holy Evangely of Almighty God he answers as follows.—

To the 1st and 2d Intg. He deposes and says, He has known Enos D. Ferguson sent. for 5 or 6 years.—

To the 2d add. Intg. He says, He had a conversation with Enos D. Ferguson sent. in the year 1841, two weeks before Christmas, about the suit between Elisha Berry and the defendant, that Ferguson told him deponent, he knew nothing of their business, with the exception of a piece of writing and that he was bound to know about.—

The defendants solicitor C. C. Magruder Esq. now filed with me the following cross Intg. to be put to this witness, which is herewith returned, and to which said witness deposes in manner following viz.

To the 1st Cross Intg. He deposes and says, That the conversation between himself and Ferguson took place at Nathan Somer's where a dance was going on, that Ferguson drew his chair up by the fire place, and held the conversation above spoken of, to witness there were others present about nine or ten persons in number, and eight of them were dancing He does not think this conversation was heard by any one else, He does not know who commenced the conversation it occurred in the year 1841, about the time before stated.—

The cross examination of the above witness Samuel Cecil having been gone through with by the defendants solicitor C. C. Magruder Esq. Jno. B. Brooke Esq. one of the compltt. solicitors files with me as commissioner the following cross Intg. to be put to Thomas Berry a witness examined on the part of the defendant at a former meeting, which are herewith returned marked complainants Cross Intg. and to which Thomas Berry deposes and says in manner and form following to wit.—

To the 1st Cross Intg. He answers and says, That the defendant William F. Berry told him that he had made the purchase of Elisha Berry.—

To the 2d Cross Intg. He answers and says he does not know how the money was applied, but that he gave it to the defendant, for the purpose of paying in part for the land above spoken of.—

To the 3d Cross Intg. He deposes and says, His advance was paid to the defendant by witness he drew it from the Farmers Bank of Alexandria and paid it to the defendant on the same day he got it from Bank in Bank notes, he witness does not recollect whether the whole amount of money was taken from the Farmers Bank of Alexandria or part from that Bank, and part from the Bank of Potomac.— he also states he does not know whether the advance to the defendant is in the knowledge of any other person than himself and defendant, no one was present when he paid it to William F. Berry.—

The above witness was not sworn on the cross examination and this fact is returned at the request of C. C. Magruder Esq. one of the solicitors for defendant.—

The Cross Examination of the above witness having been gone through with, the Compltt. solicitor Jno. B. Brooke Esq. files the following additional Intg. to be put to Richard H. Marshall a witness examined on this day, who after being sworn on the Holy Evangely of Almighty God, deposes in manner following viz.—

1st & 2d add. Intg. waived.—

To the 3d add. Intg. He answers and says, He has known Benj. Dunall about thirty years.—

To the 4th add. Intg. He deposes and says, That he this deponent was some years ago the Trustee of Elisha Berry, and purchased for the said Elisha from Dunall the parcel of land, on which the defendant now resides- that he applied to Dunall for a Deed to him (deponent) as Trustee some time afterwards Dunall came to witness' house, and insisted upon giving witness the deed in his individual name, assigning as a reason for this that he Dunall thought Elisha Berry a weak man, incapable of managing his business, and that Ferguson and some others would cheat him out of the land witness says, he declined taking the deed in his individual character, and took it in the character of Trustee for Elisha Berry.—

To the 5th add. Intg. He answers and says, he has seen them together frequently, he has seen Dunall take out pieces of paper, and say to Elisha Berry just sign this for me I want some money and that he Dunall generally indicated the said Elisha as an idiot.—

Nathaniel Suit another witness of lawful age, examined on the part of the complainants, after being sworn on the Holy Evangely of Almighty God and examined to Intgs. filed with me as commissioner and herewith returned as complainants Intgs. deposes in manner and form following to wit.—

To the 1st Intg. He answers and says, He knew Elisha Berry since he was a child, he also knew his three eldest children Robert W. Brooke he has known for five or six years and the defendant for a long time.—

To the 2d Intg. He deposes and says, he met with Elisha Berry about the 7th of May 1836 and prior and subsequent thereto, he did not consider him from this time, to the time of his death, capable of managing or transacting his own business- he was liable to be cheated during these times, as when he witness saw him he was generally under the influence of liquor.—

To the 3d Intg. He says, he understood they were half brothers the business which witness had with Elisha Berry was transacted with the defendant as agent for his brother, he does not know how long this agency lasted.—

To the 4th Intg. He answers and says He knows the estate on which the defendant resides but does not know these parcels of land by their name or their number of acres, he witness says, that about May 1836 it was not worth more than ten or twelve dollars per acre, he has not much idea however of the values of lands in their neighborhood,

To the 5th Intg. he says, he hardly ever saw Elisha Berry in his right elements about this time, so far as witness knew Elisha Berry, he deemed