Waived as to balance of Interrogatories.

John Ball another witness of lawful age produced on part of the defendant was now examined to defendants interrogatories in chief herewith returned as such and after being sworn on the Holy Evangely of almighty God deposes in manner following.

To first Interrogatory, He says he knows all the parties except the children of Elisha he knew Elisha from the year 1809 to his death he went to school with him he has also known defendant a long time

To second interrogatory, He says he knew Elisha Berry well enough from the year 1832 to 1838 to judge of his mental capacity for business he says Elisha was when sober capable of protecting his own interest in a matter in which Elisha's own interest was involved from his boyhood up, when sober he was hard to impose on after his the said Elisha's marriage which was when he was very young he put his out door business in the hands of his wife's brother Judson Somers as his manager for many years he was then careless and regardless of his out door concerns but when sober he was in making a bargain as tight as a perfect Jew.

Waived to the 17th Interrogatory.

To the seventeenth Interrogatory, He says he has known these lands for a long time does not know them by their names he knew them about the period referred to in the interrogatory and before and since in the year 1836 they were worth from seven to nine dollars per acre including the whole land he deponent has been working most of his life and he has seen and been on these lands.

Waived to balance of Interrogatories.

After the examination in chief of this witness was gone through with by defendant the Complainants Interrogatories in chief were then put to him to which after being sworn on the Holy Evangely of Almighty God he deposes as follows.

To first Interrogatory, He deposes and says he has known all the parties except the children of Elisha for a long time Robt. W Brooke married a daughter of said Elisha.

To second Interrogatory, He says he knew Elisha Berry well from the year 1832 to 1838 when sober he was hard to make a bargain with, his out door business was managed by other people.

To third Interrogatory, He deposes they were reputed brothers he knows nothing about defendants acting as agent for his brother in the year 1836.

To the fourth Interrogatory, He says he know these lands but not by their names he does not know their number of acres in the year 1836 they were worth from seven to nine dollars per acre the defendant is in the possession of these lands he has been in possession about nearly four years.

To fifth Interrogatory, He deposes he did not know in June 1839 of his bodily health or mental capacity sufficiently well to judge of their condition he did not see Elisha enough at this time to judge of the state of his mind or the condition of his bodily health.

Sixth Interrogatory, He knows nothing.

To seventh Interrogatory, He says he was in some degree acquainted

with the pecuniary affairs of defendant about this time referred to in this interrogatory leave made arrangements to pay the sum of $4000 the consideration spoken of he always paw defendant with money.

To eighth Interrogatory, He says he had about this time his mothers property in possession.

To ninth Interrogatory, He says he thinks $4000 too much for these lands at that time it being out of order and in want of fencing.

To tenth Interrogatory, He deposes and says he knows nothing of the actual annual profits since this time. He thinks defendant could make from seven to fifteen Hhds of Tobacco which was worth from four to six dollars a hundred he also says that defendant was subject to heavy expenses in ditching fencing and building &c.

To eleventh Interrogatory, He deposes that defendant was industrious and trying to do what he could in the year 1832 he was like witness himself a poor overseer and managed for his brother Elisha which he afterwards quit on his own accord.

Lloyd Simpson, a witness of lawful age produced on part of the Complainant was now examined in Chief to interrogatories filed with me as Commissioner by the Complainants solicitor and herewith returned as such and after being sworn on the Holy Evangely of Almighty God deposes as follows.

To first Interrogatory, He answers and says he knows all the parties he has known Elisha Berry for 24 or 25 years back intimately acquainted with him he had known his son for some time the daughters for last 12 months R. W. Brooke nearly two years he married a daughter of Elisha Berry. William Berry the son and two youngest daughters are minors.

To second interrogatory, He deposes, That he knew Elisha Berry about the time referred to in the Inty. He was addicted to intoxication, and witness did not think him capable of managing his own concerns Witness says he lived with the grand mother of Elisha, where said Elisha also lived to the time of his marriage, and witness then deemed him almost an idiot as to business, he was certainly by no means a business man.

To the 3d Inty, He says, the defendant is the reputed brother of said Elisha, but witness does not know of his being Trustee for his brother Elisha at this time or not.

To 4th Inty, He says, He knows these lands, but not by their names, he does not know their quantity of acres but deems their value per acre at this time, at least $35, he says the defendant is now in possession of these lands, and has been for the last 5 or 6 years.

To 5th Inty, He deposes and says, He knew the condition of Elisha Berry's mind at this time that he was in a desperate condition both mentally and physically he was generally drunk, he Elisha, and witness were often together, and where liquor was, it appeared to be Elisha's principle motive to get drunk He further says he does not think Elisha Berry was ever capable of doing business.

6th He knows nothing.

To the 7th Inty, He deposes and says, He is not able to answer this Inty,