To second additional Interrogatory, He deposes that the negroes embraced in that paper marked Y, spoken of above were sold the amount for which they sold was $1750 this whole amount was paid to the defendant witness got $350 of it.

To third additional Interrogatory, He deposes and says, To the first branch of this Interrogatory he makes the same reply as to the second preceding the reason why the amount was paid to the defendant William F Berry was because they were defendants negroes three of them only were sold the rest of these negroes are now in possession of the defendant.

To the fourth additional Interrogatory, He deposes and says, He was present at a conversation between Richard H Marshall and defendant in the year 1840 Marshall asked defendant if he had not done all he could to get the property of Elisha Berry out of his hands as Trustee the defendant said he had and he thought it his duty to do so his brother Elisha having applied to him to aid him in so doing, Mr. Marshall then said he would retaliate upon defendant by getting it out of his hands in return.

To fifth additional Interrogatory, He deposes he has known these lands for thirty years there is a good deal of it barren and unproductive he does not know how much.

To sixth additional Interrogatory, He deposes that he knows Simpson and has known him for eight or ten years in the years 1836 and 1837 he lived at Robert Sewells Prince Georges County Maryland about two and a half miles from Centreville Simpson afterwards lived at Centreville about twelve months he thinks he has resided since then at Robert W Brooks where he has resided about 12 months.

Henry I Ball another witness of lawful age produced on the part of the defendant was this day after being sworn on the Holy Evangely of Almighty God examined to defendants Interrogatories in Chief herewith returned as such and to which he deposes as follows.

To first Interrogatory, He deposes and says he knows Elisha Berry for a long time none of his children, he has known Robt W Brooks for two or three years and defendant for twelve or fifteen years.

The other Interrogatories in chief waived as to this witness, but he was then examined upon the sixth additional Interrogatory of Defendants which are herewith returned.

To sixth additional Interrogatory he deposes and says he he has known Lloyd Simpson for many years in the years 1836 & 1837 he lived with Mr. Robt. Sewell since then at Centreville and that he now resides with Robt. W Brooks Esq.

Elisha Berry a witness examined this day on part of defendant was now cross examined by Jno. B Brooks Esq. to Cross Interrogatories filed with me as Commissioner by said solicitor for Complainant which are herewith returned as Complainants cross Interrogatories to Elisha Berry the above witness and to which he deposes as follows.

To first cross Interrogatory, He deposes and says, The money consideration spoken of by him in his answer to defendants 2nd additional interrogatory was secured to him this deponent by the note of the defendant the bargainee which has since been paid.

To second Cross Interrogatory, He deposes two of the slaves were mortgaged to Thomas Hughes part of the money secured by said conveyance was paid by a sale of part of the mortgaged property and the balance out of his own funds and a part of the proceeds of the sale of the three negroes spoken of in his reply to second additional interrogatory was applied to the payment of the sum for which said mortgage was given.

To third Cross Interrogatory, He deposes and says all the negroes were not sold he received $350 part of the proceeds of said sale because the defendant owed him the money.

To fourth Cross Interrogatory, He deposes, That he was one of the Justices of the peace before whom the deed was executed and acknowledged The deed was drawn by witnesses for Elisha Berry at his request it was only acknowledged before witnesses solely he was not present when it was executed before O. C. Warren it was a practice at that time among Justices of the peace to execute deeds seperately the deed was taken from him and afterwards carried before the second Justice of the peace.

There being no more witnesses to be examined on this day at the request of the Complainants solicitor Jno. B Brooke Esq. I adjourned the within commission and appointed Monday the ninth day of January in the year of our Lord one thousand eight hundred and forty three as the day on which to reopen the Commission at my office in the Town of Upper Marlbro in the County aforesaid at the hour of 12 o'clock M, when and where I attended in pursuance of previous notice thereof given to the parties and their respective solicitors and no witnesses being produced before me I adjourned the execution of the annexed commission and at the request of Jno. B Brooke Esq. appointed Friday the thirteenth day of the same month and year at my office in the town of Upper Marlbro at the hour of 12 o'clock M, as the day on which to reopen the commission when and where in pursuance of previous notice thereof given I attended and in the presence of the Complainants Robert W Brooke and his solicitor Jno. B Brooke Esq. 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 F. Bowie 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 interrogatories filed with me as Commissioner and herewith returned as defendants Interrogatories to the above witness deposes as follows.

To first Interrogatory, He deposes he knows Robert W Brooke and the defendant and has known them for several years he also knew Elisha Berry but does not know any of his children.

To second Interrogatory, He deposes that he looks at paper X, herewith returned as one of Complainants exhibits in this cause he also says he was solicitor for the defendant having drawn up his answer to the said bill in said case, He knows of no agreement or compromise but that the Complainant in said case came voluntarily into Court and dismissed his bill after the answer was filed he does not know what led to a compromise.