1. To the first such interrogatory that he knows all the complainants except Mr. Charles Oliver, whom deponent may have met in society but does not at this time recollect it, that he knows all the defendants except Mr. Washington, but deponents acquaintance with them is very slight, that he has known all the parties above stated as known to him, except Mr. Gibbes and Mr. Thomas Oliver for more than fifteen years, he has known Mr. Gibbes about eight years, and Mr. Thomas Oliver about nine years.

2. To the second such Interrogatory that he knew the said James Cunningham deceased in his life time, for about twenty years before his death, that he died about eighteen hundred and thirty five or six, possibly in eighteen hundred and thirty seven, that deponent remembers the fact of his death, and it was shortly before deponent removed from Frederick to Baltimore in the latter part of the year eighteen hundred and thirty seven.

3. To the third such Interrogatory, that the deponent has carefully looked at the paper, marked exhibit No. 5 and has knowledge of the indebtedness of said James Cunningham deceased, to the estate of the late John M'Pherson deceased, and inclines to think that the said note was given to Horatio M'Pherson the payee in pursuance of an award made by another Gentleman and deponent upon reference of various matters in difference between persons interested in the estate of said John M'Pherson deceased, that deponent has often seen said James Cunningham write and believes the signature James Cunningham to be in the hand writing of the said James Cunningham deceased, the calculations on the back of said exhibit 5 are in the hand writing of the deponent, the said calculations were made under the expectation that a new note would be given for the balance of five hundred and nineteen dollars and eleven cents by Mr. Henry Wayman as promised by him, but which note was never given, Horatio M'Pherson the payee died prior to the time that deponent left Frederick and John A. Lall and John M'Pherson the administrators on his estate placed the said note in deponents hands for collection, No. penn was ever paid on account thereof, except one hundred dollars accredited thereon which was paid to deponent by Henry Wayman.

4. To the fourth such Interrogatory that he has now looked on exhibit No. 4, and it is in the hand writing of William Hamilton, Junior, formerly a student in deponents office and it was made at deponents request by said William Hamilton Junior from a professed copy in the hand writing of David M. Perine Esquire of an original note, whilst deponent resided in Frederick Mr. Perine as agent for the complainants executors of Robert Oliver, sent to deponent for collection, a note of James Cunningham belonging to the estate of said Robert Oliver, deceased, and which deponent acknowledged the receipt of, by his letter to Mr. Perine dated the tenth of June eighteen hundred and thirty seven which is now shown to him (and which is hereunto annexed and marked Exhibit W.S. No. 1) and wherein said note is accurately described, that deponent very well remembers that he instituted suit on said note against the personal representatives of said James Cunningham deceased, but the

personal assets being insufficient, he never received any part thereof from any source whatever. When deponent left Frederick, this claim, with others under his professional care was placed in the hands of Edward A. Lynch, Esquire, since deceased and that, since his decease, deponent has made an examination of such papers of said Lynch as related to cases placed in his hands by deponent but the original note could not be found. Deponent has also on several occasions, examined very carefully among his own papers, brought with him from Frederick for said original note, but has not been able to find it, that said note has been lost or mislaid most probably mislaid, and that he cannot tell or conjecture where the same may be, his said letter however, marked W.S. No. 1, truly describes said note. Deponent moreover has knowledge of the origin of said indebtedness of said James Cunningham to said Robert Oliver, for deponent whilst he lived in Frederick brought suit against said Cunningham for Mr. C. G. Peters, of Baltimore, and obtained judgment in said suit and by direction of said Peters, an execution was levied by the sheriff on the household furniture of said Cunningham, at a time when he was himself from home, and deponent very well remembers to have delayed the action of the sheriff by intervening at the request of Mr. Cunningham and he thinks, advanced the money to pay Mr. Peters and was subsequently paid by funds furnished by Mr. Robert Oliver, either to Mr. Cunningham or to Mr. Cunningham and which he knows formed the consideration of Mr. Cunningham's note to Mr. Oliver, but he inclines to think that the note at its maturity was renewed and that the original note of which exhibit No. 4, is a copy, was the renewed note for said debt.

5. To the fifth such interrogatory, that he knows nothing further, except that the personal estate of said Cunningham deceased, was insufficient for the payment of his debts and that no part of either of said notes, except the amount credited on exhibit No. 5 was ever paid to deponent by any one, and that to the the best of his knowledge, and belief the same are justly due to the amount claimed in the Bill filed in this cause, and further that Henry Wayman, the agent of the estate of Mr. Cunningham has frequently promised to pay them both and that the sons of Mr. Cunningham, defendants in this cause, or at least one of them, if not both, have expressed to deponent great solicitude that the debt should be paid.

David M. Perine a witness of lawful age produced on the part of the complainants being first duly sworn on the Holy Evangely of Almighty God and examined on interrogatories filed on behalf of the Complainants and hereunto annexed, makes oath deposeth and saith as follows, that is to say,

1. To the first such interrogatory that he knows the complainants Robert M. Gibbes, Thomas Oliver and Charles Oliver and has known them upwards of twelve years, that he is not aware, that he knows any others of the parties to this cause.

2. To the second such Interrogatory, that he did not know the said James Cunningham, deceased in his life time.

3. The third such Interrogatory is waived as to this deponent.

4. To the fourth such Interrogatory that he does not know in whose hand writing the exhibit No. 4 is, but upon comparing it with the paper now produced by deponent as a part of his answer to this interrogatory (and