would not leave Charles A any thing. Deponent often heard Old Mr Waters refuse to pay Charles A's bills, and also refuse to give his wife money for said Charles A.

4. To the fourth Inty she answers, that she did not.

5. To the fifth Inty she answers that she often heard Charles Waters say that his wife had abused him for the manner in which he had made his will and for not leaving more to Charles A & Horace and the old Gentleman said on one occasion in answer to his wifes remarks about his Will, that it was owing to the persuasion of Freeborn G Waters, that he had left his son Horace and herself, as much as he had done. He did not mention Charles A Waters name at this time. Deponent often heard him say that Freeborn G Waters did not influence him in making his will that it was his own will. and she also often heard him say that if he had his Will to make over again, but that he was too weak to do so, that he would not leave his Grandson Charles A Waters one cent, and he gave as his reason that said Charles A was not steady, but spent as he went and on the the morning before his death he said that Charles A would get equal to the other children under the Will and he was sorry for it.

Adjourned to the 17th day of September 1847 to meet on the part of the Defendant.

On the 17th September 1847 met & no witnesses attending adjourned to the 20th of September aforesaid when no witnesses attending adjourned to the 23d September aforesaid. On the 23d September 1847 met and the following depositions on the part of the Defendants were taken.

Gideon Herbert of lawful age produced sworn and examined on the part of the defendants deposes as follows.

1 To the first Inty he answers that he is acquainted with the Complainant and has known him five or six years.

2 To the second Inty he answers, that he is and has been since 1843 Collector of taxes in the first district of Baltimore County.

3d To the third Inty he answers that he called on said Complainant in 1846 for the payment of taxes on property in his possession when deponent called he handed the Complainant the Bill of the taxes, and the Complainant handed the bill back to him and told him (deponent) to fetch the Bill to Mr F. G. Waters, the defendant who would pay it and he thinks the Complainant said that F. G. Waters was the administrator on the Estate and would pay it. He does not recollect that any thing else was said.

Cross Examined by the Complainant

Question. Did you or not understand from Complainants remarks that there was a dispute about the farm, and until that was settled Mr F. G. Waters would pay the taxes. Answer. he cannot say positive, but he thinks some thing of the kind was said

Question. Did you or not understand from Complainants remarks that he claimed the place as his own

Answer. Yes, the Complainant claimed the place as his.

Mr Andrew A Lynch of lawful age produced sworn & examined on the part of the defendants, deposes as follows

1 To the first Inty he answers that he has been acquainted with the Complainant for the last seventeen or eighteen years.

2 To the second Inty he answers that he is a physician and attended the Complainant and his family in 1845 & 1846. Deponent attended the Complainant himself in 1845 at the residence of Mr Somerville in Baltimore County, that deponent attended a slave called George at the late residence of the Complainant in Baltimore County, being the property in dispute, this was in March and April 1846 he thinks.

3d To the third Inty he answers, that he never presented a bill at all to the Complainant, or called on him for his attendance on said slave And at the time services were rendered he did not recognize the slave as belonging to the Complainant, but as belonging to his Grandfather and for this reason he did not render him the Bill for attending the said slave. In the month of November or December last deponent made out his bill against the Estate of Charles Waters deceased, and presented it to the Executor Mr F. G Waters. said bill contained a charge for attending the said slave or negro George when he presented said bill the Executor said that he did not consider himself at liberty to (or justifiable in) paying said bill inasmuch as the Complainant claimed a certain number of negroes. said Executor also said that he would have an interview with his Counsel and if his Counsel thought him justifiable in paying said Bill he would do so.

It occurs to deponent that he had an interview with the Complainant in the spring of 1847 and deponent informed said Complainant that he had presented his bill to the Executor and that he had refused paying the Bill, stating that the Complainant had claimed the servant. The Complainant then remarked that he did not consider that he had any claim to the negro until after deponents professional services had been rendered.

Cross Examined by the Complainant

Question Was not negro George dead & buried before the Complainant took possession of the farm in dispute. Answer It occurs to deponent that Complainant did not reside on said farm when the services were rendered He also says, that said Complainant told him that he only claimed the said farm, negroes & property on it from the time he took possession of it.

The Complainant he knew did not reside on said place when he rendered the services to the negro George.

Neilson Poe of lawful age, produced sworn and examined on the part of the Defendants deposes as follows.

1. To the first Inty he answers that he knew the said Charles Waters lately deceased

2 To the second Inty, he answers, that he was employed by said Charles Waters to examine the title and prepare the Deed for the Conveyance of the farm in question in this suit. That after it was ascertained that Mr Moore could give a satisfactory title deponent went in Company with Mr F. G Waters to said Charles Waters house who was sick at the time and after deponent had informed him that certain objections to the title had been removed, deponent enquired of said Charles Waters whether the farm should be Conveyed to him, he started up from his seat, as well as deponent recollects, and asked in a very emphatic way to whom it should be conveyed if not to himself, that he had paid