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On the House to pay McElderry's Bill?
The 12th Interrogatory objected to by the Counsel for the defendant.
To the 12th Interrogatory he answers. "The Stone House and the house mortgaged and the Farm on which I now live my life Estate is upwards of three hundred acres of land, and some negroes. but I dont know whether they were sold at that time for the stone house. I refused Four thousand dollars the mortgaged premises were worth twelve hundred dollars, the Farm of 180 acres, I always considered worth from fifteen hundred to Two thousand Dollars. my life Estate, I sold for Fifteen hundred dollars, about one half of the levy of Twelve Thousand Dollars was in my hands uncollected and, my stock and furniture was worth about Two hundred dollars. I owed McElderry about Nine hundred dollars, I owed Macleys Estate about Six hundred dollars and some other small debts amounting to about Two or three hundred dollars, and, my teatables in the Commissioners of Anne Arundel County, was about Six thousand dollars amounting in all to seven or Eight thousand dollars. The 13th 14th and 15th Interrogatories waived.

Ezra Fell a witness of lawful age produced on the part of Complainant having duly affirmed and being examined to Interrogatories filed with the Commissioners by the Complainant and herewith returned deposes and says.
The 1st to the 12th Interrogatories inclusive waived.
The 13th Interrogatory objected by the Counsel for the defendants.
To the 13th Interrogatory he answers "I was dealing with McElderry in Town he asked me to take out a Mortgage which he had in his possession written for Lester to execute from Lester to McElderry the mortgage marked Exhibit B. I took it to Mr Lester and asked him to sign it Lester declined doing so at the time stating that he had a mortgage and was instructed by James Shipley to sell the property and pay the money over to McElderry and thought he could sell it in a few days but Lester not being able to sell the property as he expected. he afterwards signed the Mortgage and gave it to me and I had it recorded.
The foregoing answer objected to by the Counsel for the defendant.
The 14th Interrogatory objected to by the Counsel for the defendant.
To the 14th Interrogatory he answers "Lester stated to me that this property was Mortgaged to him by Shipley to secure McElderry for the lumber and he Lester stated also that he thought part of the money would be coming to him and that McElderry's mortgage was to be paid first.
The foregoing answer objected to by the Counsel for the defendant.
The 15th Interrogatory waived. Edwin P. Hayden a witness of lawful age produced on the part of Complainant being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainant and hereunto returned deposes and says.
The 1st to the 9th Interrogatories inclusive waived.
To the 10th Interrogatory, he answers "I was present at the sale, I think the existence of the Mortgage was generally known and I know that it was known to Dr Worthington.
To the 11th Interrogatory he answers "I think they were worth Twelve hundred Dollars."
The 12th 13th and 14th Interrogatories waived.
To the 15th Interrogatory he answers "It has been in my possession up to this time as the Counsel for McElderry it was placed in my hand for collection by

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McElderry. I received it from Ezra Fell who was the agent of McElderry for the delivery of the note early in the present year Afterwards brought suit to the first term of Howard Court afterwards against McLaughlin and Butler and at September Term last obtained judgment thereon upon which Judgment a stay of executions is by law allowed until March Term 1844 the amount of said note has not been paid by McLaughlin and Butler or any other person. No suit has been brought by me against the Endorser on the note. that matter was left to my discretion. but I considered it useless to do so, Whereupon the Counsel for the defendants Exhibited his cross interrogatories to be propounded to James Shipley and filed with the Commissioner by the defendants and herewith returned and the said James Shipley being examined thereto deposes and says.
To the First Cross Interrogatory he answers "I was not sued on it.
To the Second Cross Interrogatory he answers. "No."
To the third Cross Interrogatory he answers. "I did the mortgage was given with a view to enable him to get lumber to finish the house.
To the 4th Cross Interrogatory he answers "Lester had been dealing with McElderry for the Lumber and was going to Town, and I gave him the Mortgage. Lester told me he thought he could sell the house if I would give him the Mortgage?
To the 5th Cross Interrogatory he answers. I was trying to sell it and did offer to sell it to several persons before I gave the Mortgage.
To the 6th Cross Interrogatory he answers. I did not think it was necessary but Lester said that if he had the Mortgage he thought he could sell the house?
To the 7th Cross Interrogatory he answers the stone house was sold to William H Worthington under execution at public sale for Eighteen Hundred dollars. the frame house was sold for fifty dollars subject to the mortgage. The Farm of one hundred and Eighty acres was sold for Ninety dollars by the Sheriff to Doctor Worthington. I had mortgaged it to Dr Worthington as one of the securities on my Collection Bond. The Life Estate in 321 acres was sold to Mr Mayhy for Fifteen hundred dollars, Two hundred and fifty of which was paid to the Commissioners of Anne Arundel County and the remainder passed into the hands of the sureties on my Collection Bond. The Counsel for the defendants Exhibited his Cross interrogatory to Ezra Fell which is herewith filed and the said Ezra Fell being examined thereon deposes and says.
To the First Cross Interrogatory he answers "I don't recollect of having any conversation on the subject.
The Commission was adjourned to Monday the Eighteenth day of December 1843. Monday December 18. 1843
The Commission met agreeably to adjournment and George Bond a witness of lawful age produced on the part of Complainant being duly sworn and examined to a special interrogatory filed with the Commissioner by the Complainant and herewith returned deposes and says.
To the special Interrogatory he answers "I do not know what it was worth but I offered Mr Shipley through Mr Dorning Two thousand dollars in cash and a farm assessed at two thousand dollars about two years ago when Mr Lester was at work upon the house which he refused. it is worth now from fifteen hundred to Two thousand dollars property was more valuable then than at the time. I lived then at Clarksville about ten Miles from Ellicotts Mills. I considered that if finished at that time it would have been a good stand for a Tavern. I now live in this neighbourhood. Henry G. Brown a witness of lawful age produced on the part of the Defendants. William H Worthington