to the original examination of said Ricaud

First Because the first of said supplementary Interrogatories is leading.

Secondly Because said first supplemental Interrogatory asks the said witness to put a construction upon his answer therein referred to given by him on his original examination

Thirdly Because said second supplemental Interrogatories is leading

Fourthly Because said first and second supplemental Interrogatories are not warranted by the pleadings in the cause

Fifthly Because said first and second supplementary Interrogatories are intended to set up a parol agreement between Mrs Frisby and Mrs Edwards against the Statute of Frauds.

Sixthly. And the Complainants except to the answers of said Ricaud to the first and second supplemental Interrogatories for the same reasons and on the same grounds respectively as are therein before detailed and set forth in the Interrogatories themselves, but they do not hereby except to the proof of the time of Mr Frisby death set forth in second answer

And the said Complainants further except to so much of the original Deposition of said Ricaud taken on his first examination and repeated on his second examination as is intended to set up a contract between Mrs Edwards and Mrs Frisby whereby Mrs Frisby agreed in consideration of the devises made to her in the Will of Mrs Edwards to respect and give effect to the dispositions made by that Will of Mrs Frisby's property. Because.

First such evidence is inadmissible under the —

pleadings in the cause

Secondly Because the allege agreement is in parol

Thirdly Because the part performance of any supposed parol contract is not clear and definite and exclusively referrible to such alleged agreement.

And the Complainants further except as well to the original as to the supplemental depositions of said Ricaud in regard to the supposed agreement aforesaid between Mrs Edwards and Mrs Frisby for other good and sufficient reasons

G. W. Dobbin
J. M. Campbell } Sols for Complts
J. Malcolm

And afterwards, to wit, On the twenty fourth day of February in the year last aforesaid, the following Petition of Complainants was filed in form following, to wit.

Parkhurst &c	In the Circuit Court
vs	for
Frisby &c	Baltimore County

In Equity

To the Honorable John H. Price Judge of the Circuit Court for Baltimore County, sitting as a Court of Equity.

The petition of the Complainants Sheweth that on the 9th day of June 1863 a joint supplemental answer was filed by the defendants Alexander & Whitridge setting up a defence which did not appear and was not made by their original answer in this case That no notice was given to your petitioners of the application for leave to file such supplemental answer, or of the order of the 9th day of June 1863 allowing the same or of the filing of said answer, and it only came to the knowledge of their Solicitors about the 6th day