Clerk and administering to him the oath annexed to the said Commission to be taken by him did proceed then and there in the presence of the complainant and of John S. Tyson Solicitor for the defendants Thomas Lester. William H. Worthington and Isaac C. Anderson to take the following depositions. to wit

Wilson Lloyd a witness of lawful age produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says.

To the first Interrogatory he answers: "I know James Shipley and Thomas Lester and I am the clerk of Hugh McElderry."

To the 2d Inter: He answers; I do. Mr. Shipley and Lester came together and Shipley was introduced by Lester and afterwards Lester purchased the Lumber as Shipley's agent when it was needed. The Lumber was charged to Shipley it was delivered to Lester as wanted from May 1841 to April 1842."

To the third Inter: he answers. Mr. Lester told me that he was the Carpenter the Lumber was selected and purchased by Lester."

The Fourth Interrogatory objected to by the Counsel for the Defendants.

To the fourth Interrogatory he answers "I was not present the object I understand from Lester was to secure McElderry's Lumber Bill. the account was large and McElderry urged Lester as it was through his means the lumber was furnished. to get him security before he purchased any more Lumber. This occurred in the fall of 1841 and before the mortgage was made. Mr. Lester afterwards told me that he had the mortgage and his intention was to sell the house and pay McElderry's bill, and that he was authorized so to do by Shipley and that was Mr. Shipleys object in giving the mortgage. The above answer objected to by the Counsel for the defendants.

The 5th Interrogatory objected to by the Counsel for the defendants.

To the 5th Interrogatory he answers "I was not present it was to secure McElderry's Lumber Bill. Mr. Lester told me so, Lester brought the Mortgage from Shipley to Lester and left it with me to procure an assignment of it from him to McElderry to secure Mr. McElderry's Bill. Lester told me that he could not succeed in in selling the house. The above answer objected to by the Counsel for the defendants.

To the Sixth Interrogatory he answers "I know that Lester was working for Shipley but do not know how their accounts stood. ~

To the Seventh Interrogatory he answers. I do not know that he was, the amount at that time was Eight hundred and sixty eight dollars and ten cents. ($868.10 cts) On the 2d day of April 1842, it was nine hundred and thirty six Dollars and thirty four cents. ($936.34) Mr. Lester was indebted on his own account to McElderry but I do not know to what amount. It was about One hundred dollars. My impression is that Shipley's account for lumber ended in January 1842. I think there was a charge afterwards in April but I am not positive.

To the 8th Interrogatory he answers. "I do not know it from Shipley but Lester told me that Shipley know of it. The above answer objected to by the Counsel for the defendants. ~

To the 9th Interrogatory he answers, "Mr. McElderry received such a note but I do not know on what terms it was given.

To the 10th 11th 12th 13th 14th and 15th Interrogatories waived.

James Shipley One of the defendants being sworn and examined as a witness under the order of the Court to Interrogatories filed with the Commissioner by the

Complainant and herewith returned deposes and says.

To the 1st Interrogatory. He answers. "I know them all.

To the 2nd Interrogatory he answers "Yes he did. Lester took me to McElderry's and we negotiated for some lumber. I did not see Mr. McElderry any more about lumber after that when there was lumber wanting. Mr. Lester went to Town and got it. I supposed it was charged to me. I told McElderry to charge it to me it was sent up by the Cars it was purchased and delivered at the times stated by Mr. Wilson Lloyd in his answer.

To the 3rd Interrogatory he answers. "Lester was the Carpenter he selected and purchased the Lumber.

To the 4th Interrogatory objected to by the Counsel for the defendants.

To the 4th Interrogatory he answers. "I was present the object was to secure McElderry for his Lumber: after McElderry's Bill amounted to Eight or Nine hundred Dollars Lester told me that McElderry refused to let me have any more Lumber without security and with a view of giving security to McElderry I executed a Mortgage to Lester and told Lester to try and sell the house and I would try and do the same and pay McElderry or he might assign the mortgage to McElderry; and I asked Lester afterwards if it had been done did he told me it had not. I told him to have it done and Lester after that told me it had been done. Lester and myself both tried to sell the house to several persons before the assignment was made. but we did not succeed. After the Mortgage was given nothing was done to the house.

The foregoing answer objected to by the Counsel for the defendants.

The 5th Interrogatory. Objected to by the Counsel for the defendants.

To the fifth Interrogatory he answers. "I was not it was done at my request to secure McElderry for his Lumber.

The above answer objected to by the Counsel for the defendants.

The 6th Interrogatory objected to by the Counsel for the defendants.

To the 6th Interrogatory he answers "I do not know Lester was building a house for me, and I was paying orders and cash for him and he was getting things from my store there was a running account between us I do not know whether I owed him or he owed me, at that time, it was not more than four or five dollars either way."

The foregoing answer objected to by the Counsel for the defendants.

To the 7th Interrogatory he answers. "I suppose I was. Lester told me it was eight or nine hundred dollars on the second of April 1842. I don't know the amount I depended upon Mr. Lester. I do not know whether Lester was was indebted to McElderry."

To the 8th Interrogatory objected to by the Counsel for the defendants.

To the 8th Interrogatory he answers "I did know and it was given with my privity and consent."

The foregoing answer objected to by the Counsel for the defendants.

To the 9th Interrogatory. he answers." The note was given to McElderry to secure him for this lumber. McElderry told me that he would not take the note as Cash but when the note was paid he would give me credit for it. McElderry told me to endorse the note which I did. I have never seen or heard of the note since, this is the same note marked Exhibit C.

To the 10th Interrogatory he answers. It was twelve hundred Dollars and I limited Lester to that amount."

To the 10th Interrogatory. he answers, I was, I think it was generally known I told Mr. Worthington before the sale that there was a Mortgage to Thomas Lester.