attended to such matters, he was then alive. Could give the time precisely when the proceedings referred to took place but it was some time after 1838 when Mr Huston got possession of the Mortgage and before her her husbands death which took place in 1844,

There being no other Witnesses present to be examined and both parties desiring further time to produce their Witnesses the Commissioner adjourned until further Notice.

Wm McKeppler Comr

June 18th 1860 The Commissioner met again at the office of James H Grove Esq in Hagerstown pursuant to agreement and request of Solicitors, There present the Complainant by their Counsel Hon David Wilson and Alexander Neill Esq and the defendants by their Counsel George Sohley and N H Olney

James B Dello an Benjamin W McCoy Witnesses produced on the part of Complainant were present for examination but owing to the absence of important papers upon which the Complainants desired to examine their Witnesses it was mutually agreed that the Commission might be adjourned until Wednesday the 29th day of June instant at 9 O'clock A M.

Whereupon the Commission adjourned to said day.

Wm McKeppler Comr (seal)

June 29th A D 1860 The Commissioner met this day pursuant to adjournment in the Court House Were present the Complainants by their Solicitors Hon David Wilson and Alexander Neill Esq and the Defendant by their Solicitors George Sohley and N H Olney Esq.

James B Dello a Witness of lawful age produced on the part of the Complainants and objected to on the part of Defendants being duly sworn on the Holy Gospels of Almighty God and examined to Interrogatories filed with the Commissioner by the Complainants and herewith returned depones and says: To the 1st Interrogatory this deponent says he has a release from the Complainants in this cause, produces it and hands it to the Commissioner to be filed in this cause which is done and marked Release to J B D No 1. To the 2d Interrogatory this Deponent says that he knows and the parties to this suit William Dello deceased was a half brother of this Deponent Moses Dello, parties to this suit are his children and Heirs of this deponent. Isaac Sutherey has been known by this Deponent since his boyhood, they were raised nearly together living not more than a mile apart. He is married to a niece of this deponent a daughter of William Dello deceased. Deponent has known Cyrus Huston a long time was married to a sister of this deponent has known him 25 or 30 years Merely knows Mr John M Cauck the late Sheriff of Washington County has seen him frequently and is no relation to this deponent. To the 3d Interrogatory this Deponent says that he is acquainted with the handwriting of Cyrus Huston, also his signature. Acquired this knowledge from seeing him write several times, saw him write three receipts filed in this cause in the Commission named to J B H Blood has had correspondence with him years ago but has not the letters with him they having been mislaid from moving about. He has also seen Huston sign other receipts than those mentioned in the answer, To the 4th Interrogatory this deponent says that he has looked upon the papers shown him as mentioned in the 4th Interrogatory and says that they are each in the handwriting of Cyrus Huston, knows that they were all signed by Cyrus Huston and that Huston received the money for them and this is all deponent knows about them. To the 5th Interrogatory this deponent says that he has looked upon the paper marked Deed J B D and that said paper is in Cyrus Hustons handwriting and signed by him. The execution of this paper took place at the time when Abraham Dello now dead Mr Huston came in there wanted money Deponent gave him Eighteen dollars said he had some business and wants to go to Baltimore deponent thinks, He seemed to be in great hurry and said that he was prosecuting Mrs Nelson and there on this Exchange (of this deponent) and owed not get along without the money, Deponent told him then that on his return back he would pay him (Huston) some money Huston was gone a few days and then returning and returned Deponent gave him the money and left, did not know him long after, not many days as short time Deponent always claimed the amount which the said receipt calls for against Mr Huston Deponent is the James B Dello whom the receipts were given. To the 6th Interrogatory this deponent says that he did give to Mr Huston an order on Mr Neville Nelson for Eleven hundred dollars and the order now shewn defendant is order referred to. The order was then filed with the Commissioner and by him marked B J B D No 2. This order deponent says is in his own handwriting and was given as a payment on the land bought of Huston, as the property of Huston was one of the heirs of Abraham Dello deceased and which land is now owned by the heirs of William Dello deceased. To the 7th Interrogatory this deponent says that he had possession of the various receipts or papers referred to in the 4th and 5th Interrogatory saw the late William Dello, never had them, nor had William Dello any knowledge of them. He might have heard of them and deponent might have told him of them but does not recollect of so doing. Neither William Dello knew that Cyrus Huston was getting money of this deponent. To the 8th Interrogatory this deponent says that he contested the first suit against Cyrus Huston. The suit was tried at deponents instance and deponent paid the expenses of trying the same. To the 9th Interrogatory this deponent says that he paid the money which the receipts of Mrs Huston calls for to her at deponents own house near Abraham Dello, now dead when she was at times there on his several occasions. Nothing was paid on the land deponent had purchased of Cyrus Huston as before stated. Deponent with the receipts and they were signed by Mrs Huston knows her handwriting. Mrs Huston acknowledged to this deponent the getting that money when she was in here before she died. To the 10th Interrogatory this deponent says that to the best of his knowledge Mrs Huston died two apart from her husband Cyrus Huston. She was during the time she was here supported or maintained by this deponent. She came to Deponents house early part of the Spring and was there until the next Fall a year following her married daughter the child of Cyrus Huston. Part of this time she was married William Dello. Mrs Huston died at the House of the widow of Dennis McBowles near Hancock. She was consumptive and when deponent took her down there she took cold and there died, about two

weeks after. To the 11th Interrogatory this deponent says that he knows the handwriting of Cyrus Huston and that Huston received the money for them and this is all deponent knows about them. To the 5th Interrogatory this deponent says that he has looked upon the paper marked Deed J B D and that said paper is in Cyrus Hustons handwriting and signed by him. The execution of this paper took place at the time when Abraham Dello now dead Mr Huston came in there wanted money Deponent gave him Eighteen dollars said he had some business and wants to go to Baltimore deponent thinks, He seemed to be in great hurry and said that he was prosecuting Mrs Nelson and there on this Exchange (of this deponent) and owed not get along without the money, Deponent told him then that on his return back he would pay him (Huston) some money Huston was gone a few days and then returning and returned Deponent gave him the money and left, did not know him long after, not many days as short time Deponent always claimed the amount which the said receipt calls for against Mr Huston Deponent is the James B Dello whom the receipts were given. To the 6th Interrogatory this deponent says that he did give to Mr Huston an order on Mr Neville Nelson for Eleven hundred dollars and the order now shewn defendant is order referred to. The order was then filed with the Commissioner and by him marked B J B D No 2. This order deponent says is in his own handwriting and was given as a payment on the land bought of Huston, as the property of Huston was one of the heirs of Abraham Dello deceased and which land is now owned by the heirs of William Dello deceased. To the 7th Interrogatory this deponent says that he had possession of the various receipts or papers referred to in the 4th and 5th Interrogatory saw the late William Dello, never had them, nor had William Dello any knowledge of them. He might have heard of them and deponent might have told him of them but does not recollect of so doing. Neither William Dello knew that Cyrus Huston was getting money of this deponent. To the 8th Interrogatory this deponent says that he contested the first suit against Cyrus Huston. The suit was tried at deponents instance and deponent paid the expenses of trying the same. To the 9th Interrogatory this deponent says that he paid the money which the receipts of Mrs Huston calls for to her at deponents own house near Abraham Dello, now dead when she was at times there on his several occasions. Nothing was paid on the land deponent had purchased of Cyrus Huston as before stated. Deponent with the receipts and they were signed by Mrs Huston knows her handwriting. Mrs Huston acknowledged to this deponent the getting that money when she was in here before she died. To the 10th Interrogatory this deponent says that to the best of his knowledge Mrs Huston died two apart from her husband Cyrus Huston. She was during the time she was here supported or maintained by this deponent. She came to Deponents house early part of the Spring and was there until the next Fall a year following her married daughter the child of Cyrus Huston. Part of this time she was married William Dello. Mrs Huston died at the House of the widow of Dennis McBowles near Hancock. She was consumptive and when deponent took her down there she took cold and there died, about two