of his brother William was in the Second Focus and unless it was Dangerous Heard
To the 15 Cross Interrogatory this deponent says that he never did show the $2000
receipt to any person that he recollects of. To the 16th Corp Interrogatory this deponent
says that to the best of his knowledge he was farming in 1844 and 1845 – think he moved there
preceding on the 25th of April of the Estate of his father Abraham Dello. To the 17
Corp Interrogatory this deponent says and that he believes he did not take any steps
or proceedings to get rid of the Judgment of 1856. To the 18 Corp Interrogatory
this deponent says that he does not recollect whether he did or did not appear to
the second Sarge Subpoena Dont Know that he did. Knows that he was not there, Knew
nothing about it except from hearsay which was told him after the judgment
To the 19 Cross Interrogatory this deponent says that during the Months of November
and December last he was residing near Hancock in this County and that
he is residing now at the same place. To the 20 Cross Interrogatory this
deponent says that he was summoned by the Heirs of William Dello
To the 21st Cross Interrogatory this deponent says that he was not in Hagerstown
during the last November Term of Court. To the 22d Cross Interrogatory this
deponent says that the release was executed at the instance of the Complainants
in the cause. To the 23 Cross Interrogatory this deponent says that he did
not pay any thing for the Release nor was there any thing promised and there
is nothing to be paid. To the 24 Cross Interrogatory this deponent says that
Hayden did not furnish his Wife and daughter with clothing from this, that Mrs
Huston early in Spring husband came to this deponent and told him to get
them what clothing they wanted, which deponent did and he the said Son paid
this deponent for such clothing.

Benjamin W. Metcalf a witness of lawful age produced on the part of
the Complainants being duly sworn and examined to Interrogatories filed with
the Commissioner by Complainant deposes and says as follows to Wit. To the 1st
Interrogatory this deponent says that he knows all the parties to this except
Mr John M. Kaar he has known Mr Dello for 18 years. Knows
James B. Dello for 20 years has known Cyrus Huston since 1845 – To
the 2d Interrogatory this deponent says that he had some conversation with Cyrus
Huston in the Spring of 1845 – The conversation took place about 200 yards
from the James B. Dellos house, right opposite deponents own house in the
Spring of 1845 – some time in the first part of the Month of March. Huston
and deponent were talking about the road and deponent said the road sec.
has property he would move it there. Mr Huston said if it would suit him (this
deponent) he would trade me land in the Road for mine. He also said that
he Huston ought to be at home but that he was waiting on Mr James B. Dello
to make him up a bill of money. Huston said either that he would or would
go home until he got it, it was one or other of those words. Whereupon
the Solicitor for the Defendants exhibited their Cross Interrogatories to be
put to said Witness which are filed and returned herewith and the said Witness being
examined thereon deposes and says. To the 1st Cross Interrogatory this deponent says
that he first became acquainted with Mr Huston with James B. Dello himself
saw him passing the Road once or twice before the conversation. To the 2d
Cross Interrogatory this deponent says that it was the precise language made
use of as near as he can recollect. To the 3d Cross Interrogatory this deponent
says that the word "bill" was used to the best of his recollection. To the 4th

Cross Interrogatory this deponent says that he has had some little conversation with
James B. Dello about this matter to day. The first person he told of this conversation
was deponents Wife.

There being no other Witnesses to be examined present and this being the
day agreed upon by the respective Solicitors both for the Complainants and
Defendants for closing the Commission the same is hereby closed and the
Commissioner therewith returned the same under his hand and seal this 24
day of June A.D. 1860.

Wm McK. Keppler Commissioner (Seal)

Exhibit C.H.W. 1 and Exhibit C.H.W. 2 filed with Commissioner by
defendants June 24 1860 and returned as part of the Evidence of defendants
under his hand and seal this 24 day of June A.D. 1860.

Wm McK. Keppler Com (Seal)

Memorandum The receipts marked No 1 & 13 No 10 & 12 mentioned
mentioned and referred to in the foregoing Interrogatories and Depositions are
returned with the Commission in this cause executed by Benjamin F. Blood
Esq and with Jury appear by reference to the same on pages 53 and 54 of
Record.

Filed Yellow the Exhibits marked respectively Exhibit A and Ex
B mentioned and referred to in the foregoing depositions & Viz.

Exhibit A

To the Hon the Court of Common Pleas within and for the County of Holmes and
State of Ohio in Chancery sitting. Your petitioner Joseph Meatskie of the
County of Washington and State of Pennsylvania respectfully represents that
heretofore to Wit on the 1st day of April A.D. 1831 one James Nelson then
of the County of Holmes and State of Ohio but since deceased was justly
indebted to one Samuel Hornes in the sum of four hundred and ninety
eight dollars to John McDonnagh in the sum of one hundred and
ninety 190 dollars to Samuel Clokey in the sum of 100 dollars and
to John Lydick in the sum of 50 dollars and for said several sums
of money then executed and delivered to each and every of said creditors
a promissory Note for the sums respectively due to each of them as above
specified which said several Notes were also signed by one James Clokey
as surety for their respective payments, and that said James Nelson
with a view to secure and indemnify the said James Clokey as his
surety as aforesaid against any and all liability that might result therefrom
from the said James Nelson together with Martha Nelson his wife did
afterwards to Wit on the first day of December A.D. 1834 make execute
and deliver to said James Clokey a deed of Mortgage of the premises
hereinafter described to Wit at the County of Holmes aforesaid a copy
of which Deed of Mortgage is herewith filed for the inspection and use
of this Honorable Court and in which the land intended to be conveyed
is thus described being the South east quarter of Section 2 in Township
19 in Range 15 Holmes County Ohio, and of which land the said
James Nelson or the said Martha Nelson at the time of the execution of said
deed of Mortgage was the owner and seized thereof in fee simple. This
Complainant also represents that said deed of Mortgage so made as
aforesaid was executed in all respects as required by the law governing