June Term 1863.

1st Because there is an allegation in the said Bill of Complaint that the facts and circumstances relied on as the ground of relief against the judgment at Law could not have been availed of in the Court of Law, and because it is not stated and shewn that the Complainants or the said James B. Dell or either of them were or was prevented from availing themselves at Law of the facts relied on as aforesaid by fraud, surprise or accident unmixed with any fault or negligence in themselves or their agents. 2d Because the Complainants do not state and shew by the allegations of the said Bill that they were ultimately remediless but by the interposition of this Court. 3d Because the several allegations, statements and charges in the said Bill of Complaint do not make and present a case proper for the exercise of the jurisdiction of this Court.

R. H. Abey and Gustelley for Deft Hasten

And the said Defendants by their Solicitors aforesaid on this 21 day of July 1860 filed in Court here the following Exceptions to the competency of James B. Dell as a witness to wit

William J. Dell and Abraham K. Dell and others vs Cyrus Hasten and John M. Hanck	No 1602 Equity. In the Circuit Court for Washington County as a Court of Equity

To the Hon. the Judge of the said Circuit Court sitting in Equity. The said Cyrus Hasten the above named defendant excepts to the competency of James B. Dell as a witness for the said Complainants and to the admissibility of all the testimony given by the said James B. Dell in answer to the several interrogatories propounded to him by and on behalf of the said Complainants. And the said Cyrus Hasten prays the Court that all such evidence given by the said James B. Dell as aforesaid and returned to this Court and filed in this cause be stricken out and utterly rejected. And the said defendant Hasten also excepts to the legality and admissibility of the release from the said Complainants to the said James B. Dell and filed with the Commissioner and returned and filed in this cause.

R. H. Abey and Jesse Selby for Hasten

And the said Complainants by their Solicitors aforesaid on this 21 day of July 1860 filed in Court here the following Exceptions to testimony taken on the part of the Defendants to wit.

William Joshua Dell and others vs Cyrus Hasten and John M. Hanck	In the Circuit Court for Washington County as a Court of Equity.

Exceptions by Complainants by their Solicitors to testimony taken on the part of the defendants in the above cause.

1. The said Complainants except to the 19 Cross Interrogatory of the defendant propounded to Martha Mason and particularly to that part which requires certain papers to be produced and requires her to speak to them as copies of certain Law and Chancery papers then being produced by defendants. They further except to her answer to said interrogatory and particularly to that part of it which relates to said copies of papers as being inadmissible and incompetent as evidence in this cause and also to the filing of said copies or papers as exhibits with her testimony as being

inadmissible for the purpose for which they were offered or are intended in this cause.

2d The said Complainants further except to the 4 Interrogatory in chief propounded by the Defendants to Witnesses examined under the Commission issued to Benjamin H. Blood Esq of Pittsburg Pennsylvania and to all the testimony in response to said interrogatories as inadmissible and incompetent as evidence in this cause the same being opinions and beliefs of Witnesses formed by a comparison of handwritings. 3 The Complainant further Excepts to all the testimony taken and filed by said Complainants under said Commission issued to Benjamin H. Blood Esq which speaks from a comparison of the handwritings as inadmissible and incompetent as proof in this cause.

D. Miller Alex. Neill Solrs for Complts.

And thereupon all further proceedings in the premises aforesaid to wit the parties aforesaid by Order of Court here in conformity with the Act of Assembly are continued until the 4th Monday of July (which said 4th Monday of July being the 23d of the said Month in the year of our Lord 1860) and again until Court here the parties aforesaid by their respective Solicitors aforesaid.

And the said Complainants by their Solicitors aforesaid filed in Court here on this 23 day of July 1860 the following Petition to amend the said Bill of Complaint to wit.

William Joshua Dell, Abraham K. Dell, Isaac Anderson, Rosina J. Dell and Melchior Dell vs Cyrus Hasten and John M. Hanck	In the Circuit Court for Washington County as a Court of Equity No 1602.

To the Honorable Xenas Perry Judge of said Court. The Complainants in the above cause by their Solicitors show to your Honor that they exhibited to this Court on the 21st day of December 1859 their Bill of Complaint in said cause against the Defendants being numbered 1602 on the Equity Docket of said Court setting forth certain facts and proceedings and exhibiting the truth certain short copies of proceedings at Law and praying among other things for an injunction to stay and execution issued against certain lands of which your Complainant and Testator died and for general relief as by said Bill of Complaint will more fully appear. Your Complainants discover that some of said Exhibits being mere short copies of Docket entries do not fully develop all the proceedings at Law which your Complainants intended and which should be exhibited in order to a full understanding of this case upon records and your Complainants would further set forth and allege that on the 20th Juror aforesaid by said Cyrus Hasten to November Term 1858 of your Honorable Court as a Court of Law such of your Complainants as were the Defendants Tenants to said Scire Facias did file all the pleas and facts and the defences which they could have taken at Law in that the Court struck out the only plea upon which they relied for defence and forbidden as to be all payments made by James B. Dell in the original cause of action and prior to the original judgment against the said James in which said Scire Facias issued and that when said Scire Facias was called in the Docket, and