sized remained unchanged; As umpire I have no recollection at any time that Notes were to be given by James Jackson to George for the amount found due to him there were other Meetings of the Arbitrators which I did not attend, both of the Arbitrators as well as the parties were present at the Meetings that I attended;

James Jackson Again examined for the Complainants

At the time Exhibit Dungan was executed the accounts between my brother George and Myself had not been adjusted; I had a Conversation with my brother George in which he spoke of some of his Creditors calling at his Store previous to the Compromise for the purpose of examining the Character of his Stock, and that he had his Goods so arranged that he did not show his best Stock, and that he had portions of his Stock in different parts of the house or in cases. I think he said he had a portion of the Goods in the Cellar and in Cases under the Counters. The Conversation of which I am now speaking occurred some Considerable time after the Compromise had been entered into;

Cross Examined

The Conversation above stated took place about six or eight Months after the Compromise as near as I can remember. It was not the only Conversation that I had with George in reference to his transactions with his Creditors he had told me previous to his making the Compromise that he intended to fail.

Question Did you not Concede a scheme to Cheat his Creditors

Answer I did;

He said he intended to fail and that he intended not to fail empty handed I did not Communicate these matters to his Creditors at that time. He never asked me for any aid in securing his goods. He told me that matters in the course of a Conversation that we casually had, Being asked, Do you think George Jackson treated you with brotherly respect and affection in Communicating such a Vile scheme of Cheating his Creditors;

Answer I answered him as well as I can remember that I could not recognize such a Course to my Conscience whether I so expressed myself in the words conscience I don't know I don't recollect but that was what I meant, I told him that I always thought it my duty to act very differently to pay my Creditors and he replied that I had acted as a big fool that I had actually as he was I would not always be in trouble as I was. Being asked: Did you feel it a perfectly Conscientious way to Conceal from George's Creditors refused: I thought it was a matter that I had nothing to do with;

Question Did you not afterwards state it to his Creditors.

Answer A short time I did

Question Then Comparing statements a short time ago to his Creditors rather than before the Compromise when if you had stated it they would not have been cheated

Answer The reason I did so lately to his Creditors was to get them to sign an Execution that he had lived upon the property, which Execution was in violation of our agreement in regard to these matters. The reason why I did not inform formerly was because it was a delicate matter and one which I had nothing to do with as I said before.

Question Then you informed the Creditors to benefit yourself,

Answer It was for the purpose of getting out of the hands of the Sheriff

It was to keep George to his agreement I did not consider it to benefit myself.

Question You say you wanted to get the Goods out of the hands of the Sheriff, In

what case was it, and what time were they seized by the Sheriff and what Goods were they

Answer It was a Case of George Jackson against John Foley and myself they were seized on the 23d October last and were the Goods of John Foley and Myself.;

Question Had not the goods of which you have just spoken been sold by you and when to John Foley.

Answer The Goods were sold by George Jackson to John Foley on the 16th July 1859 as near as I can remember The said goods had not been sold by me to John Foley except Blacksmiths tools and some Iron which had been sold previous to that time by me,

Question Will you name the Blacksmith tools the quantity of Iron and their value which you had sold to Foley.

Answer The tools consisted of a Bellows and everything necessary to a Coach Shop and the value was about Seven hundred and fifty dollars And I wish to state that I sold them as the Agent merely of George Jackson, I having the Management of the business according to the direction of the Arbitrators;

Question What date was the sale of the goods to Foley.

Answer On 16th July 1859 George Jackson sold and the Goods Stock in trade Carriage Blacksmith tools &c to him John Foley for which purchase Foley gave his Notes and I endorsed them.

Defendants Exhibit Receipt is here filed

Being shown to Witness he says it is the receipt given for the surrender of the Tools carriages &c of which he has been speaking

Question In the building of the Warehouse in Howard Street did not George Jackson find me a gratuitous work of $400; Answer he did.

Commission adjourned and met again by Consent of Parties on Friday the 8th of March 1861 at the request of the Solr of the defendants;

Friday 8th March 1861. James Atkinson again Examined for the defendants

I was present at a business Meeting of the Christian Church of which I am a member at which Meeting there was some Nine Members present and among them George Jackson and Francis D. Dungan, Mr Morling also was one of the Arbitrators in the matters between George and James Jackson who also presented I will state the Conversation that took place there in reference to the Arbitration between George and James Jackson as well as I can recollect as I did not pay much attention to it at the time, Mr Dungan arose and said that he would like the matters in dispute to be taken out of the Deacons and be placed in the hands of three Strangers, stating that he was prejudiced against George in that affair and Mr George Jackson thereupon said Notwithstanding that Brother Dungan I believe you would do what was right and I think Mr Dungan said he would. And there the matter ended as I have no recollection of any thing further having been said – I remember that Mr Dungan said on this occasion that it would be better to refer the matters between the Brothers Jackson to others as the other Arbitrators might also be prejudiced, I have known George Jackson about twelve years, he used to keep store near where I lived and I used to have right smart with him – I think I have had an opportunity to form an opinion of his integrity and character as a Man of business and I have always found him to be a first rate man in company he was upright his transactions so far as I know he has frequently loaned me money when I asked him to do so, whenever I wanted money he would put his hand in his pocket and loaned it to me without taking any evidence or obligation from me, I am acquainted with James Jackson and having been for several years perhaps 18 or 20 years but never had any dealings with him James Jackson never had any conversation