

No. 1111 Equity.

in transferring the note, Wynn, gave me assurance that he would not make out a title to Oudorff, without my consent; about two years afterwards, I gave my consent, and Wynn executed the deed to Oudorff; Oudorff did not pay me that note, but embraced the amount of it, together with other moneys, in a new note for five hundred dollars, (500⁰⁰.) payable to me, which note I still hold against him; I surrendered the other note to Oudorff, upon the execution of the new one; this is the tract of land upon which all the new buildings are erected.

Testimony of
Jas. A. Elder.

4th Int. State what articles were purchased of you, if any, which went into the buildings erected on the Wynn property, and by whom purchased?

Ans. I sold the glass to James A. Oudorff, for which he paid me by check; I sold him the red lead and oil for his barn, which is embraced in one of the notes I hold against him, the said James A. Oudorff.

5th Int. Do you know when James A. Oudorff purchased the Wynn property, if you, state when?

Ans. I do not know the date of the purchase, but I know it was before his marriage.

6th Int. State, if you know, how long said Oudorff has been in possession of said Wynn property; who cultivated and improved the same, and who claimed to be the owner thereof?

Ans. Upwards of twenty (20) years; I don't know the exact time; he farmed it himself, either in person, or by his tenant; he never moved away from it, and he claimed to be the owner thereof.

John R. Stoner, a witness of lawful age, produced upon the part of the Complainants, being duly sworn and examined to interrogatories filed with the Commissioner, by the Complainants, and herewith returned, deposes and says.

Testimony of
John R. Stoner

To the 1st Int. Did you ever have a conversation or conversations with said James A. Oudorff, about your claim—the note transferred by you to Michael Cronce; if you, what was said by yourself, and said Oudorff in said conversation or conversations?

Ans. I had, at different times, conversations about said claim subsequent to the execution of "Exhibit No. 7"; I asked him to settle my claim as it was expensive to go to law; he said, "he would if his lawyer was satisfied"; he put me off and said, "he would go down and see him"; he never went; I went to see him afterwards, and I asked him, "whether his object in executing the deed to his wife, (Exhibit No. 7) was to cheat me out of it"; he said, "no, if his lawyer was satisfied, he would settle it; that he didn't make the deed to his wife to cheat me; they were pushing him to, make the money; that they wouldn't make it as soon as they thought," and he also said, "he didn't execute it to cheat, but to get time."

2nd Int. Did you, at any time, have any conversation with the wife of said James A. Oudorff, Mary E., about said claim; if you, state when it was, and what was said in said conversation?

Testimony
John

Testimony
E. L.