

Interrogatories

At the execution of the annexed Commission, as sued out of the Circuit Court for Frederick County, and to me directed, and empowering me to examine Evidences in the Cause depending in the said Court, between Thomas Claggett as Complainant, and James O. Easterday, John Easterday and Samual Easterday as Defendants. ~

I Francis Brengle, Commissioner therein named, did, on the seventh day of December 1869, at my Office in Frederick City Md., proceed to take the following testimony, in the presence of Solicitors for Complainant and Defendants. ~

The Complainant filed as Evidence, Exhibits F. C. No. 1, F. C. No. 2 and the Defendants filed as Evidence Exhibits J. O. E. No. 1 and J. O. E. No. 2. and there being no witnesses present to be examined, said Commission was adjourned to the 14th day of January 1870. I then and there proceeded to take the following depositions in the presence of the Solicitors for the Complainants and the Defendants (due notice of this examination having first been given to the said Solicitors for the Defendants.)

James H. Harding, a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainant's Solicitors and herewith returned deposes and says, that is to say. ~

1st Special Int. Look at the Articles of Agreement now shown you - By whom were those Articles of agreement written, by whom signed and by whom witnessed State all your knowledge herein. ~

Answer - I look at the Articles of Agreement now shown me marked Exhibit F. B. No. 1 It was written by me and signed by the parties in my presence, to wit:

Thomas Claggett, James O. Easterday, John Easterday, Samual Easterday, Complainant's Solicitors herewith produce Exhibit F. B. and files it with the Commissioner as evidence in this Cause. ~

5th Special Int. Look at the papers now shown you purporting to be a deed from Complainant to these Defendants, and a Mortgage from Defendants to Complainant, by whom were said papers prepared and at whose instance? Do you, or do you not know, or have you heard the Defendants or any one of them say any thing touching the execution and tender of said deed, or the execution of said Mortgage? If you state fully all that you know, or all you have heard from the Defendants, or any one of them. ~ The Complainant's Solicitors here produce, and file with the Commissioner the papers marked J. M. H. and A. F. as Evidence in this Cause. ~

Answer - I look at the papers now shown me, the Mortgage marked J. M. H. was prepared at the instance of Mr. Claggett, the deed marked A. F. is in the hand writing of Adolphus Fearhake. My knowledge about that matter is indistinct. I mentioned the Mortgage to James O. Easterday, and my impression is, he said something about not having gotten the land he contracted for.

Adolphus Fearhake, a witness of lawful age, produced on the part of the Complainant, and being duly sworn and examined to special Interrogatories filed with the Commissioner and herewith returned and says, that is to say. ~

5th Interrogatory ~ Look at the papers now shown you purporting to be a deed from Complainant to the Defendants, and a Mortgage from Defendants to Complainant, by whom were said papers prepared and at whose instance? ~

Do you or do you not know, or have you heard the Defendants or any one of them say any thing touching the execution and tender of said deed or the execution of said Mortgage? If you, state fully and particularly all that you know or all you have heard from the Defendants or any one of them?

Answer - I look at the paper now shown me marked A. F. and it is the deed I prepared. I am under the impression that it was at the instance of Mr. Claggett the Complainant. ~