

the price of land sold? How much, if any, of the purchase money has been paid? How much of the residue of any remains unpaid, and when is the same due and payable? State fully all your knowledge herein.

Answer - At forty five dollars an acre. This was the price to be paid for the land. The paper marked Exhibit No 2 will show the number of acres. The receipts upon the agreement will show how much has been paid, two thirds of the purchase money with interest remains unpaid. The last installment according to the agreement is not yet due.

4th Interrogatory, special to Thomas Blaggett.

Did you at any time offer and tender to the defendants or any one of them a deed for the lands according to Exhibit F.C. No. 2 in your Bill, and demand from the defendants on any one of them, and which of them, a Mortgage to secure the residue of the purchase money. If yes, state when, and state fully all that occurred, and the reply of Defendants or any one of them.

Answer - I had a deed prepared, but not executed. I offered it to the Defendants for the land mentioned in Exhibit F.C. No 2, when it was surveyed, and did demand from the Defendants a Mortgage to secure the residue of the purchase money. This offer was made soon after the survey was made. They disputed about the line and refused to receive the deed or execute the mortgage.

5th Sub. Special to Thomas Blaggett.

Did or did not the defendants take possession of said lands mentioned in said agreement? If so, when and who are now in possession thereof, and what parts, and what has been done with said property by the defendants. State all your knowledge herein.

Answer - They did take possession of the land mentioned in the agreement a few days after I surveyed it. The defendants are now in possession of said land all that part I sold to them, except the part in dispute, they took possession of. The Defendants have been cutting off the land they took possession of. I can't say how much they cut.

6th Sub. Special to Thomas Blaggett.

Was or was not Josiah L. Warrenfeltz your agent to sell or contract with the Defendants, or any other person for your lands at or near Urbana in Frederick County Maryland.

Answer - Josiah L. Warrenfeltz was no agent to sell or contract to sell the lands to defendants or any body else, only to show the land to parties who wished to buy.

1st Cross Sub. - You say in your examination to the 2nd Interrogatory, that you notified James O. Easterday of the intended survey, Exhibit F.C. No 2. State when, where and how you notified him, and what was his reply, and what he told him it would be made?

Answer - I notified James O. Easterday on Patrick Street, near the Frederick County Bank in Frederick City, a few days or a week before I made the survey. James O. Easterday said that he would be there, if he could, if he was not there Mr. Blaggett should go on and run it, so as to give Warrenfeltz as much of the cleared and the Easterdays as much of the Wood land as he could as Warrenfeltz preferred that, while Easterday preferred as much wood as possible. I notified them it would be run on the day it was run, but don't recollect what day it was. The survey was made shortly before the execution of the deed from me to Josiah L. Warrenfeltz, which is dated the 4th day of December 1867.

2nd Cross Sub. - Had not you or the Defendants before the preparation of the agreement marked Exhibit F.C. No 1. Agreed upon the particular part or the starting point of the dividing line of the land they agreed to buy of you?