

Levi Wolfe, a witness of lawful age, produced on the part of the Defendants and being duly sworn and examined to special interrogatories filed with the Commissioner and herewith returned deposes and says, that is to say. ~

1st Sub. ~ Do you know the parties to this suit or any of them, and which of them? Do you know Josiah L. Warrenfelty? If yes, state how long you have known them and each of them?

2nd Sub. ~ State if you had or heard any conversation with Thomas Claggett and Josiah L. Warrenfelty or either and which of them relative to the land in controversy, and the sale thereof, and if so, state fully, what was said upon the subject?

Answer ~ I had no conversation with Claggett in regard to the land. I had several conversations with Warrenfelty, was with Warrenfelty over the land before the Eastersdays bought the land. Warrenfelty was talking about buying a part of the land himself. He had not his land himself at that time, after we went over the tract, Warrenfelty wanted me to take a part of it and then a short time after this, before the Eastersdays took possession he told me he had the agency of Claggett to sell all the land there, that Claggett owned in that tract. He told me he would sell it on better terms than Claggett would - that Claggett had nothing to do with it. He said he thought the Eastersdays would take a part of it, but they had not yet been to see it.

3rd Sub. State what conversation if any, Thomas Claggett made at the time you bought of him the land specified in the deed from said Claggett to you here shown you, marked Exhibit C. B.? Was or not the land embraced in said deed the Southern part of the tract of which the land in controversy was the Northern part?

Answer. Waived as to this Witness

4th Sub. ~ Was or not the land they the Complainants had in possession, the same they then claimed and now claim? ~

Answer. ~ Waived as to this Witness. ~

William H. Murphy, a witness of lawful age produced on the part of the Defendants, and being duly sworn and examined to special interrogatories filed with the Commissioner and herewith returned, deposes and says, that is to say. ~

1st Sub. ~ Do you know the parties to this suit or any of them, and which of them? Do you know Josiah L. Warrenfelty. If yes, state how long you have known them and each of them?

Answer. ~ I know the parties. I know Josiah L. Warrenfelty slightly. I have known the Eastersdays and Claggett some time.

2nd Sub. ~ State if you had or heard any conversation with Thomas Claggett and Josiah L. Warrenfelty, or either and which of them relative to the land in controversy, and the sale thereof? And if so, state fully, what was said upon the subject?

Answer I have heard Claggett remark when he ran the land off the second running when he divided it. ~ Claggett ran down the West line and made a corner, then he remarked, I'll start from this here, here I want to run this tract as equal as possible between Warrenfelty and the Eastersdays. He ran down the Western line about half way, then made a corner, then he starts from that corner and run his line across the land and said he wanted it to be the dividing line between Warrenfelty and the Eastersdays. That was the only time ~ I carried the chain that they ran through the land.

Fearhake was surveyor. ~

3rd Sub. State what reservation, if any, Thomas Claggett made at the time you bought of him the land specified in the deed from said Claggett to you here shown you marked Exhibit C. B.? Was or not the land embraced