would be. Then we contracted with Warrenfeltz to commence on the centre of West West line of One hundred and thirty Eight and one half acres (138½) track, run East and give us sixty-Eight and one half acres (68½) acres adjoining the Musseter property North of the line, Then we contracted with Warrenfeltz for a lot of Forty two and a half acres (42½) adjoining this track lying West of it. The next contract was the time we were to article with Claggett for the property. My brother and I were to meet Claggett and article with him at Harding's Office. When I went to Harding's Office Claggett was not there. I went to Claggett's house, I told him I had come to article for that property, I had contracted with Warrenfeltz. Claggett asked, what lots did you buy of him? I said I had bought the half of the lot of One hundred and fifty eight and one half Acres (158½) commencing on the Centre of West line, running East adjoining the Musseter property on the North of the line. Then I told him I contracted for Forty-two and one half Acres (42½) lot. Then Claggett asked me what we were to pay for it per acre. I told him we had contracted with Warrenfeltz for Forty five dollars ($45.) an acre Then Claggett said he ought to have fifty dollars ($50) an Acre for the Forty-two and one half (42½) Acre lot, but being as Warrenfeltz had said we should have it for Forty five dollars ($45) we should have it for what Warrenfeltz said we should have it for Then Came down street with Claggett and said, Warrenfeltz is going to have a nice thing in the sale of this property He is going to get five dollars ($5.) an acre for selling it — Then Claggett said I don't give him five dollars ($5.) an acre, but let him have his land for good deal less than I let you gentlemen have yours for.

Then we went to Harding's, and he commenced writing the Articles of agreement Then Harding Asked the questions, how the One hundred and thirty Eight and one half (138½) acre track was to be divided. Then I said, we were to start on the Centre of the first line running East to give us sixty Eight and one half acres (68½) adjoining the Musseter's or Burgee property North of the line. Then Claggett came and write Warrenfeltz's line. Harding took a minute of what was said of the place of beginning. Then Claggett said the Forty-two and one half acre (42½) lot naming the number thereof. Then I left to get my money, and came back and made the payment. Harding read the agreement, and in reading the agreement I understood him to say positively, that the one hundred and thirty eight and one half Acre track was to Commence on the centre of the west line running East and give us sixty Eight and one half acres adjoining the Musseter or Burgee property. — Then Claggett and I paid Harding for writing the agreement Claggett paid half and I paid half. Then we made a Contract that we were to move down on the track next monday, October 14th 1867. Then Claggett was to fetch surveyors down any time after monday and we were to survey the property: but Claggett went down on Monday. I met Claggett and Parkate between Ijamsville and the property, I and brother Samuel. Claggett said that they had been down and surveyed the property and Aaron Jones would show us the lines. Then we went on. The next next 15th of October we commenced work on property. In the after part of the day I went to see Jones, and he showed me where the lines were. Then, on week after, I came to Frederick and saw Claggett. Claggett said the Sixty Eight and one half Acre (68½) lot did not hold out. It only held out Sixty One (61) acres. Claggett promised to come down and survey the property to us. He did not Come. Then some weeks after John got sick and went home Then I went home. I saw Claggett and told him he should not go down and survey the property; but wait until I and my brother got back, and we would let him know when to come down.

During our absence he and Warrenfeltz went down and surveyed property,