

of the land described in said contract, or any part thereof? If yes, how many acres thereof did you take possession of, and are you now in possession thereof, and of how many thereof? What have you done with the property? Did you cut any timber or trees thereon? If yes, how many acres did you cut on?

Answer - He took possession of part, the dotted line from D to where it intersects the red line; then with red line to C about One Hundred Acres (100) of land we have in possession at this time. He cut timber, peeled bark, made staves, and cut fire-wood for sale, built two houses on it, made five or six thousand nails and put it over the fence. Some of it we cleared off for cultivation. ~

3rd Cross Int. - Did you execute this paper now shown you, before or after you had been shown the property by Warrenfelly, and was it read over to you before you signed it?

Answer - He executed the agreement, after Warrenfelly showed me the property. ~

4th Cross Int. - How much of the purchase money have you paid, and how much is owing?

Answer - He paid Cash payment according to article of Agreement. ~

1st Int. in Reply. - Does or not the agreement F.B. No 1 contain a correct or the description of the land as agreed upon between yourself and Kelaggett and Warrenfelly? State whether or not you would have signed said agreement, had you known that the beginning point as agreed upon, had been omitted? ~

Answer. Exhibit F.B. No 1 does not. I would not have signed said agreement if I had known that the beginning of the survey had been omitted. ~

There being no other witnesses present to be examined, this Commission was adjourned to the second day of February in the year 1841 ~ when at my Office in Frederick City Md. at Eleven O'clock on the aforesaid 2nd day of February I proceeded to take the following testimony, in the presence of the Solicitors for both the Complainant and Defendants. ~

Theodore Jacobs, a witness of lawful age, produced on the part of the Defendants, being duly sworn and examined to interrogatories special, filed with the Commissioners and herewith returned, deposes and says. ~

In the first Int. - State whether you ever had a conversation with Josiah & Warrenfelly on the subject of the land which the Easterday's purchased of Thomas Kelaggett and mentioned in the proceedings in this Cause, and if so state when it was and what the said Warrenfelly said to you? ~

State all that occurred on that occasion on this subject? ~

Answer - I know the Easterdays. But not Mr Kelaggett. I have known the Easterdays six or seven years. ~

Objected to by Solicitor for Complainant as The Conversation took place about the last of September or first of October, three years ago last fall. I worked with Warrenfelly three weeks, and left him the day after Hyattstown Judicial Convention that nominated Hon. Madison Nelson had adjourned. The Conversation took place the first and second day after I went down to work with Warrenfelly.

Warrenfelly showed me the tracts of land which he bought and showed me where the line was. I asked him about the Tobacco House. He said the one was his and he rented it to some niggers, and it was full of tobacco, and that the other belonged to Easterday. He said Easterday had two more tobacco houses at the west end towards the bay road, one on another lot. I did not see the lot at the time, and the other on the East end of the tract he and Easterday bought. I wanted to get a tobacco house to do my working in, as I was working for Warrenfelly, and hence the conversation arose about the