

The note was transferred, the money paid, and the receipt of Claggett executed at the same time he signed this paper. ~

2<sup>nd</sup> Sub. ~ Did you and James and Gamaliel Easterday, take possession 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 acres 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. ~ We took possession of that part which I have already said in my examination in chief, and we are now in possession thereof. We have cut timber and trees.

3<sup>rd</sup> Cross Sub. Did you execute the paper now shown you before or after you had been shown the property by Warrenfelty?

Answer. ~ After Warrenfelty had showed us the property. ~

4<sup>th</sup> Cross Sub. ~ How much of the purchase money have you paid and how much is owing?

Answer. ~ We have paid one third of the purchase money. The rest is still owing.

There being no other witnesses present to be examined, this Commission was adjourned to the 9<sup>th</sup> day of February, in the year 1841, when, at my Office in Frederick City Maryland at Eleven O'clock on the aforesaid 9<sup>th</sup> day of February I proceeded to take the following testimony in the presence of the solicitors for both the Complainant and Defendants. ~

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

1<sup>st</sup> Sub. Do you know the parties to this suit? If yes, how long?

Answer. ~ I know the parties and have known them for some time. ~

2<sup>nd</sup> Sub. State if you know all the facts in relation to the purchase of the land in controversy of whom, and by whom purchased, and what lands were purchased, how they were to be laid off, and all that occurred between you and Claggett or Josiah Warrenfelty on the subject? ~

Answer. ~ We purchased of Josiah G. Warrenfelty, John, James O. and myself. There was one lot of One lot of one hundred and thirty seven acres, to be divided into two lots, one of which lots we were to get. The lot adjoining the Burgee or Mussetter property. The line was to run from the centre of the first line, and run East. We were to get the North side of the division line. The Contract spoken of, took place between myself and my two brothers and Josiah Warrenfelty. ~ Warrenfelty told me he was the Agent of Claggett to sell the whole woods or tract of land, about five hundred acres. ~

3<sup>rd</sup> Sub. ~ State whether Claggett ever said any thing to you about his having an Agent to sell those lands in controversy? and of so, who did he say was his Agent?

Answer. ~ When we came to town to pay the first payment, Claggett asked me what we were to pay for it. We told him we were to pay Forty five dollars an acre. He said he ought to have fifty, but if we contracted with Warrenfelty for forty five, it was all right to him. ~

4<sup>th</sup> Sub. ~ State whether or not you ever told Claggett or Warrenfelty that you wanted them to run the line to begin as far South