

Answer It does not contain a correct description of the land we bought. I would not have signed said agreement if I had known the beginning point had been omitted. ~ When we came to make the agreement, my brother James said the line must run from the Centre of the west line, and run East and Claggott said "and with Warrenfetz's line". ~ This was said when Harding was taking it down on a piece of paper as a memorandum, and Harding then wrote the agreement off of that. ~ He made an arrangement at the Magistrate's Office on Thursday to have the land surveyed on any day after the following Monday. This understanding was with Claggott. ~

2<sup>nd</sup> Special Inq. in Reply. ~ When said paper E.B. No 1, was read to you, did you or not observe that the beginning point of the division line of the fifty eight and one half acre lot was omitted or any omission of the Contract. ~


Answer, No! I did not. I was positive that that was in the agreement, that it was to commence at the Centre of the West line and run East. ~

Muel Burger 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 to say.


1<sup>st</sup> Inq. ~ Were you or not at any time during the Summer or fall of Eighteen hundred and sixty seven on the lands mentioned in these proceedings, and did you or not see there Josiah & Warrenfetz and the Eastonday's. If yes, state what they were doing and all that occurred. ~ Objected to. ~

Answer. ~ In August or 1<sup>st</sup> of September Eighteen Hundred and sixty seven I met James O. Eastonday, Warrenfetz and two other men. I don't know who they were, on the land. Warrenfetz was showing them the lines, They were going round the lines. I think when I met Mr Eastonday said they were going round the line. Warrenfetz went on showing them the lines. That is what I took him to be doing.

There being no other witnesses to be examined, and in accordance with the order of the Circuit Court for Frederick County sitting in Equity, I the Commissioner herein named, do hereby return the same together with Exhibits J. W. No. 2. J. W. H., D. C. No 3, J. L. W., filed with the Commissioner on the part of the Complainers, under my hand and seal this 18<sup>th</sup> day of July in the year 1871. ~

Francis Brungle   
Commissioner

Expenses of Commission		Defendant's Costs of Commission	
Commissioner's fees	\$31 00	Commissioner's fees	\$ 70.00
Sheriff's fees	2.80	Sheriff's fees	4.40
James McHarding, Witness	.75	Geo. W. Unglesbee	.75
Adolphus Fearhake "	.75	Mrs. Catharine Unglesbee	.75
Josiah Warrenfetz "	.75	Martin Poole	1.50
William J. Mindley "	1.50	John P. Gaven	1.50
	<u>37.55</u>	Levee Wolfe	1.50
		William H. Murphy	1.50
		Lideon Buzzard	1.50
			<u>\$ 83.40</u>

Francis Brungle   
Commissioner

Filed January 10<sup>th</sup> 1872 ~

X