

James L B Howell, a witness of lawful age, produced on the part of the Defendants, being duly sworn and examined to interrogatories filed with the Commissioner by the Defendants solicitors and herewith returned, deposes says, 1st Sub. Are you acquainted with the parties to this suit? How long have you known them?

Answer - I am acquainted with the parties to this suit, and have known them for some years. ~

2nd Sub. - Are you acquainted with a certain Josiah L Warrenfeltz in the year 1867 & 1868? If yes, state whether you ever had any conversation with said Warrenfeltz with regard to certain lands owned by Thomas Claggett at that time, and situated in Urban District, a part of which land had been purchased by the Easterdays? If yes, state fully what the Warrenfeltz said to you with regard to said lands, and has the said Warrenfeltz connection therewith? (Excepted to.)

Answer - I was acquainted with Josiah L Warrenfeltz in 1867 & 1868 I was at Reinhardt's Mill, I think in the month of February or March, I went into the office at the Mill and there met Warrenfeltz with Reinhardt settling an account, I bid them the morning, Reinhardt remarked to me, this man has sold out and made \$4,000. I then turned around and asked Warrenfeltz if that was so, He said No, I have made between \$3,000 & 4,000. on the timber that he bought of Cooke? Then I said you have got nothing left, but the land you bought of Mr Claggett. His answer was to me, that he had bought no land of Mr Claggett, I said to him, I thought you bought some land from Mr Claggett and sold a part of it to the Mr Easterdays, He said No, I bought no land of Claggett I sold it to the Mr Easterdays, and Mr Claggett gave me \$5.00 an acre for selling it. At the same conversation Warrenfeltz said to Reinhardt that he had the whole property of Mr. Claggett for sale, and he would sell him one or two lots, this conversation was in February or March 1868 after Mr Claggett had sold the land to the Easterdays. (Excepted to.)

Rufus B Magruder, a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant's solicitors and herewith returned, deposes and says:

(The competency of this witness excepted to by Defendants, because not competent under Order of Court remanding Commission.)

1st Sub. - Do you know the parties to this cause? Complainant and Defendants, and if yes; how long have you known them? Where do you reside?

Answer - I know Mr. Claggett, I have known him a good while I have known Easterday some three or four years - I reside close to the land in controversy. ~

2nd Sub. When did the Defendants enter into possession of the lands mentioned in this cause as purchased by the Defendants of the Complainant? Have they or not since their entering into possession cut and hauled off the growing timber and wood on said lands, and if yes, how much wood and timber have they so cut down and hauled away from said lands? Answer. - The Easterdays moved there in the fall of 1867, I think they have cut timber and hauled it off, it has been cut since they have been there. From a part of the land, all the wood and timber has been taken off, I have never examined accurately for the purpose of