

Ephraim Carmack, a witness of lawful age, produced upon the part of the Complainants being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainant and herewith returned, deposes and says to the -

1st. Int: What is your occupation and residence?

Ans: I am an Attorney at Law, and I reside in Mechanicstown, Frederick County, Md.

2^d. Int: State whether or not you ever called upon William Sefton, in regard to notifying him of an intention upon the part of Maesche Bro. & Co. to file a Mechanics Lien upon the house and lot spoken of in this cause? If yes, State when and what occurred.

Ans: I did. I called on William Sefton after Maesche Brothers one about taking out the lien; at which time I mentioned to Mr. William Sefton, that it might be necessary to see who claimed the property. I then went to William Sefton and asked him whether he claimed the property - that John was building this house upon. He told me he did not; that he had given his daughter a lot for her husband to build a house upon and also had offered one to his son Martin - and this lot he had given to John, for the purpose of building a house upon. I then stated to Mr. Sefton, the difficulty that might occur in regard to the getting out the lien, in case he William Sefton should claim the property after the lien was gotten out without notice. William Sefton then stated, that he had given the lot to John to build a house upon - that there should be no difficulty with him William Sefton - that he had given the lot to John W. Sefton, and that if he did not pay for the house, there should be no difficulty with him William Sefton. The result of that interview was that I did not give him any written notice, that we were going to take out a lien. I am not able to tell the date of this conversation, but it was within 60 days from the completion of the work, and also prior to the filing of the lien.

3^d. Int: Had you any subsequent interview with said William Sefton in regard to the ownership? If yes, state it?

Ans: I had frequently. I heard that he was claiming the property. I called upon him to ascertain whether it was so or not.

He stated to me, that it was not so; that he had given the property to John W. Sefton, and it would be unjust for him to do so if John was not able to pay for building the house.

4th. Int: Who was the reputed owner of said lot of ground, at the time the building was being erected, and just prior thereto?

Ans: It was reputed to be John W. Sefton, and that he got it as a gift from his father - that was the common report.

To Cross - Interrogatories filed with the Commissioners by the Defendants herewith returned, the said Ephraim Carmack deposes and says to the -

1st. C. Int: Did you ever serve written notice on Mr. Sefton, that