

No 4858 Equity

Knocked it down too soon and ought to put it up again. I am not positive in my recollection, but my recollection is that I communicated to the auctioneer in the presence and hearing of Dr. Miller that there was a bidder present who would give \$63.<sup>00</sup> per acre for the property, possibly \$62.<sup>00</sup> though my recollection is decidedly \$63.<sup>00</sup>. The auctioneer expressed a willingness to put it upon again, though insisting that a fair chance had been given, saying that he had another sale to cry that afternoon and could not stay all day for that. But Dr. Miller directed him to let the matter stand as it was. We addressed the request to reopen the sale to Dr. Miller and the objections to its being cut off in the way I have narrated to Dr. Miller as well as the auctioneer. The auctioneer knocked the property off at the \$57.<sup>00</sup> bid in a very short time, very much shorter than is usual at sales of real estate in this County, and entirely unexpected to us. Mr. Levy and myself were bidding for Mr. Daniel Z. Stull in individuality and Mr. Levy and myself had agreed with Stull that we would ourselves furnish him with several thousand dollars of the purchase money if he needed it.

To Cross Interrogatories filed with the Commission by the Respondent and herewith returned the said William P. McAuliffe Jr Esqr deposes and says to the

1<sup>st</sup> Cross Inter

You say that you and Mr. Levy were bidding for Mr. Daniel Z. Stull in his individual capacity. What was Mr. Stull's limit which he directed you to bid?

1<sup>st</sup> Ans. Mr. Stull had no fixed limit. At and before each bid we conferred with him and got his authority to make the bid in question

2<sup>d</sup> Cross Inter

Had you at the time when Mr. Wm. H. Stull arrived at the sale ceased to bid for Mr. Stull?

2<sup>d</sup> Ans. No Sir.

3<sup>rd</sup> Cross Inter

When Mr. Ramsburg appeared on the ground as a bidder and put his bid on the property had you then ceased to bid for Mr. Stull?

3<sup>rd</sup> Ans. There had been no arrangement made as to any definite limit whatever at which Mr. Daniel Z. Stull would stop. He was not anxious to obtain the property, but it had not been determined between us whether he would or would not bid higher

4<sup>th</sup> Cross Inter

Was not your and Mr. Levy's object in bidding for Mr. Stull to run the property up to such a price, as would after paying Dr. Miller's mortgage debt, pay the alleged claim of Mr. Daniel Z. Stull Admr to Frederick A. Stull? and did you not force the property up to the last cent you thought it would bring?

4<sup>th</sup> Ans. The object of our bidding for Mr. Stull was to force the property to bring the highest price we could, expecting and intending to take the property at any bid that we made if the same was knocked down to us. We did not succeed in forcing the property to bring the highest cent that it would, because there was a bidder on the ground who assured us then and there that he would have given \$63.<sup>00</sup> for the same or possibly \$62.<sup>00</sup> per acre though my recollection is decidedly \$63.<sup>00</sup>

5<sup>th</sup> Cross Inter

Where was Mr. Ramsburg when you were around the straw pile?

5<sup>th</sup> Ans. He was under the eaves of the barn where the men were grouped and the bidding going on

6<sup>th</sup> Cross Inter

In your consultation around the straw pile, did you then determine to bid further for Mr. Stull?

6<sup>th</sup> Ans. We did not determine whether we would or not bid higher for Mr. Stull definitely