

No. 5226 Equity.

The Respondent filed with the Examiner as Evidence Exhibits "A", "B" and "C" which are herewith returned by the Examiner.

John H. Hill, a witness of lawful age produced on the part of the Applicant being duly sworn and examined, deposes, and says as follows:—

1st Q^{uest}. State your name, age, and residence?

A^{ns}. My name is John H. Hill. My age 40 years and my residence Utica, N.Y.

2nd Q^{uest}. Were you present at the sale of the property of Wm. H. Todd, senior a mortgage held by John L. Rogers?

A^{ns}. Yes sir.

3rd Q^{uest}. When and where did said sale take place?

A^{ns}. It took place on the 11th of September, 1886, on the premises at Utica Mills, Frederick County.

4th Q^{uest}. At what time of the day did said sale begin?

A^{ns}. I don't know exactly but I suppose it was in the neighborhood of 1 o'clock P.M.

5th Q^{uest}. At said sale what was the first thing done by the Auctioneer?

A^{ns}. The first thing he done, was to read the terms of the sale.

6th Q^{uest}. Did he read the entire sale bill, or simply the terms of the sale?

A^{ns}. That I can't answer whether he read the entire bill, or simply the conditions of the sale. He might have read the whole bill but kind of runs in my mind that he only read the conditions of the sale.

7th Q^{uest}. Look at the paper now shown you marked Exhibit A and state whether the conditions and terms of the sale, as announced by the Auctioneer, were the same as those printed upon "Exhibit A"?

A^{ns}. I presume, they were the same because he read them off of the Bill.

8th Q^{uest}. Is Exhibit A, one of the sale Bills such as were posted in the community—announcing the sale?

A^{ns}. Yes sir.

9th Q^{uest}. State what property was first offered at the sale by the Auctioneer and what was done with it?

A^{ns}. The first that was offered was the farm and the Mill including the crops. Then Mr. Rogers withdrew it to receive one half of the crops. It had been bid up to \$7000—before he thus withdrew it.

10th Q^{uest}. After it was thus withdrawn, what was next done by the Auctioneer and what followed?

A^{ns}.— Then it was put up again (the farm and Mill) receiving half of the crops. I did not pay any account what it was bid up to that time. It was then again withdrawn.

11th Q^{uest}. When you say in your answer to the 9th and 10th Q^{uest} that the farm and mill were put up for sale, do you mean that they were put up separately or jointly?

A^{ns}.— They were put up jointly.

12th Q^{uest}. After the last withdrawal you have spoken of, what was next done by the auctioneer and what followed?

A^{ns}.— Then they put up the farm described as Lot No. 1.

Testimony

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