

No. 5226, Equity.

met Mr. Todd?

Ans. About 20 yards, I suppose.

20th Q. What was the first thing said, and by whom?

Ans. The first that was said, was by me. I said to Mr. Todd; The property is sold, and you will have to comply. The next was Mr. Todd says, Why I told you not to knock it off, till I came back. The next was Mr. Rogers said, substitute me for Mr. Todd, and turned around. He went, and I followed him, down to where the Auctioneer was.

21st Q. What reply did Mr. Todd make, when Mr. Rogers said, substitute me for Mr. Todd?

Ans. He did not make any reply until Mr. Rogers started back. Then he said, Hold up!

22nd Q. Mr. Rogers did not stop?

Ans. No sir.

Testimony

23rd Q. Did Mr. Todd follow him?

Ans. He did.

24th Q. Did they walk down to the crowd together?

Ans. No sir, we went like Brown's Cars, one after the other.

25th Q. In what order?

Ans. Mr. Rogers first; I second, and Mr. Todd last.

26th Q. Was anything said between Mr. Rogers going back to the sale?

Ans. No sir.

27th Q. When you got back to the sale, what was the first thing said by Mr. Rogers, and to whom?

Ans. The first I heard was to Mr. Hill, the Auctioneer, to substitute Mr. for Mr. Todd.

28th Q. When this was said Mr. Todd, Mr. Rogers, and yourself had gotten down to the crowd, had you not?

Ans. We had got down to the fence, where the crowd was, though we were on the inside, and the crowd on the outside of the fence.

29th Q. When Mr. Rogers said to the Auctioneer, substitute me for Mrs. Todd, what did the Auctioneer do?

Ans. He cried, the sale of the property then.

30th Q. For how long a time?

Ans. For perhaps ten minutes.

31st Q. Was Mr. Todd there all the time?

Ans. Mr. Todd was standing at the fence.

32nd Q. About how far from Mr. Rogers?

Ans. About 8, or 10 steps.

33rd Q. During this ten minutes, was Mr. Todd there all the time, or way?

Ans. I think he was there.

34th Q. After you, Mr. Todd, and Mr. Rogers had come back to the crowd, did you hear Mr. Todd say anything to Mr. Rogers?

Ans. I did not.

35th Q. Did you hear him say anything to the Auctioneer?

Ans. Not that I heard.

36th Q. When Mr. Rogers said to the Auctioneer, substitute me for Mr. Todd, did he direct him to cry the sale at the bid of \$916.00?

Ans. I did not hear him but the Auctioneer cried it at \$916.00.

37th Q. Just as Mr. Rogers gave this direction to the Auctioneer