

No. 5226 Equity.

2<sup>nd</sup> Int. How you present, at the sale, mentioned in these proceedings?

Ans. Yes sir.

3<sup>rd</sup> Int. What time did you get there? Ans. About 12 o'clock.

4<sup>th</sup> Int. State whether, or not Mr. Rogers was there when you arrived.

Ans. He was on the premises.

5<sup>th</sup> Int. What was the first done at the sale?

Ans. The first thing that I remember was the reading of the advertisement by the auctioneer, and Mr. Rogers statement as to how he would offer the property.

6<sup>th</sup> Int. What was Mr. Rogers' statement, on that subject?

Ans. I don't know what I saw, repeat his exact language. But it was something like this, that in reference to Mr. Todd's wishes he would offer it somewhat different to what it was advertised.

Testimony

7<sup>th</sup> Int. In the sale, did Mr. Todd say anything to you about the manner in which Mr. Rogers offered.

Ans. Mr. Todd came to see me on the store porch, and said to me that he understood that I was to be a bidder on the property. I told him I did not know that I would in the way it was advertised, that if I bought the property I would want it all. He said he wished I would buy a bargain there to day, he said that he had prevailed on Mr. Rogers to offer it differently saying that we want to buy the store property, and the rest would be sold together.

Testimony

8<sup>th</sup> Int. As Exhibit A. the Advertisement, that was read?

Ans. While I never examined it, closely I am satisfied it is the same.

9<sup>th</sup> Int. What lots were first offered?

Ans. The whole Utica property (1, 5 & 6) except the Stone property, was first offered together.

10<sup>th</sup> Int. What was done with that? Ans. It was withdrawn.

11<sup>th</sup> Int. What was next offered? Ans. Lot No. 1, separately.

12<sup>th</sup> Int. What was bid on it, do you remember? Ans. My recollection is somewhere about \$150.

13<sup>th</sup> Int. Was it sold or withdrawn? Ans. Withdrawn.

14<sup>th</sup> Int. What was next offered? Ans. The Mill Property (Lots 5 & 6) -

15<sup>th</sup> Int. Was it sold or withdrawn? Ans. Withdrawn.

16<sup>th</sup> Int. At what price, do you remember? Ans. Some \$200, or plough there.

17<sup>th</sup> Int. What was next offered, & what became of it?

Ans. Lot No. 2, which was sold to Mr. Michael.

18<sup>th</sup> Int. What was done with Lot No. 3? Ans. It was knocked off to Mr. Rogers, I think.

19<sup>th</sup> Int. What was next done, & what became of it?

Ans. Then the Utica property (1, 5 & 6) was offered together, excepting the stone property. It was knocked down to Mr. Rogers.

20<sup>th</sup> Int. State whether, or not Mr. Rogers and Mr. Todd were together during the sale, and describe how they were?

Ans. I saw them together at different times, they seemed to be friendly.

21<sup>st</sup> Int. State whether, or not, if you know whether Mr. Todd took any part in making the sale, and if so what?

Ans. I remember hearing Mr. Rogers say to Mr. Todd "well now what next; what will we do now;" I think this was after the property had been offered separately.

22<sup>nd</sup> Int. How often did you hear this or similar conference?

Ans. I remember very distinctly once; it may have been more