

offered between \$1500 and \$1600, and that with the assistance of his wife he was able to buy the property at that time and pay for it according to the terms of the sale; that he had spoken to his wife about buying it, and had looked over the property about a week before the sale and he owned a property across the street from it. Harry Nixdorff said he had made six or eight bids--his last one being about \$850 or \$900. in answer to what stopped him from bidding and what took place between him and Mrs. McLane, he said;

"A lady came over to me and said, 'Do you know the widow is being robbed?' 'No, I said, (If that is the condition I'll stop bidding.'"

He said he was able to pay for the property; that he did not know the lady, but there is in his evidence the following;

"Q. Did you later learn it was Mr. Derr's wife? A. I understood so.
Q. Mr. Daniel Derr sitting here? A. Yes, he was the gentleman at the sale. Q. After he said to you 'Do you know the widow is being robbed, you said 'If that is the case I'll stop.' Then you did stop? A. I did. Q. (By the Court) Is that all she said? A. I think that is all--Just a few words--more maybe. She came over and thanked us after that. Q. Which lady? Mrs. Derr? A. I think the lady who told me stop. Q. You don't know the property now? A. Yes, I have been over and looked over it two days after the sale. I thought it was very reasonable for \$2,000 without the dower interest. Q. With the dower removed, with the dower interest? A. \$1500 would be a fair price. Q. (By Mr. Weinberg) You knew it was being sold subject to the dower interest? A. Yes".

In his cross examination this appears;

"Q. (By the Court;) Did you say you wouldn't want the property now? A. I wouldn't want it, not with the dower. I would give \$2,000 with the dower removed. Q. Would you be a bidder on it under the same conditions? A. Not unless the dower was removed. Q. (By Mr. Weinberg;) You would have bid that day if this lady had not said the widow is being robbed? A. I would have. Q. (By the Court;) Why then and not now? A. I don't think I want to own any property with a lady partner. She would be entitled to one-third of the property. Q. That same condition existed at the time of the sale? A. I didn't look at it that way the day of the sale. Q. You just bid on it because Mr. Faubel said it was going very cheap? A. Yes.. Q. (By Mr. Pohrback;) You did say you wouldn't want a property with a dower tied up in it? A. I did say that. I think. Q. (By Mr. Weinberg;) If the lady had not interfered you would have bid \$1500? A. Oh, I would have; yes."

There was a Florence May Derr who was a defendant in the case in which the decree for the sale was made, and although she was there mentioned as a widow, we understand that she was the wife of Daniel Derr.

Mr. Weinberg testified that he did not know until the afternoon after the sale of the action of Mrs. McLane, when someone told him what had occurred between Mrs. Derr and Mr. Nixdorff, and that night he learned what had taken place between Mrs. McLane and Mr. Alexander; that he saw a son of Mrs. Derr talking to Mr. Ray at the time of the sale, but he did not know what he said; that after the sale he congratulated Mrs. McLane and told Mr. Derr that he was glad she had the property, but that was before he heard of what had been done; that he had an offer since the sale from "H.A. Derr," (there is some confusion about the first name), the husband of Mrs. Florence May Derr, of \$2,000 for the property, but he notified him the day before he (Weinberg) was testifying that he changed his mind; that he had a bona fide offer of \$1500, accompanied by a certified check for \$500.00 from John N. Lawler of Washington, whom he did not know personally. There is in the record an offer dated the 26th of August, 1922, signed by John N. Lawler, but that is for \$2,000 subject to the widow's dower, and that there is a deposit of a certified check of \$500.00. Mr. Weinberg testified that he had not considered the price at which the property was sold to Mrs. McLane a fair one, but that he had felt as the auctioneer did, that it was not fair to keep him (the auctioneer) there two or three hours when nobody was there to bid against Mrs. McLane. He said that none of his clients was present at the sale. Elmer L. Ray said he attended the sale and his last bid was either \$860.00 or \$840.00. He was asked to tell the Court what occurred after his last bid and who came to him. He replied he did not know the gentleman and this appears in his evidence;