

A I put it in with some other deeds. We had a lot of deeds in the old safe over here, and I put it with them. We kept all the deeds and mortgages together.

Q When did you last see it?

A Before we moved away from there down to the other place Mr. Coblentz suggested that I make a memorandum of some of those important papers in there before we moved, and I made this memorandum; and I saw that deed then, and when we got down to the other office we bought a new safe down there. We didn't take this old safe. We carried those down there and that is the reason Mr. Coblentz wanted a memorandum, because we would likely put them in a box or vat, and when we got down there we had distinctly separate files, and this was put in there. That was February, 1920. It may have been March, but it was sometime after the first of February, 1920. Mr. Coblentz at that time was in the Legislature. We moved down there while he was away. He always put that over on us. He always went away when we had anything to do.

Q Have you seen it since that?

A No, I have no distinct recollection of seeing it since that time.

Q It was made by the Middletown Improvement Association?

A It was made by the Middletown Improvement Association; Foster Remsberg was Secretary or Treasurer or something, and I don't know who all; my recollection is indistinct about that.

Q To whom was it made?

A Emory L. Coblentz in fee, practically in fee.

Q Have you looked for the deed or tried to find it?

A I didn't look for it until after the trouble at the Central Trust Company Mr. Coblentz spoke to me about it one day in about that time, if it wasn't in the files. Then it occurred to me, and afterwards he said to me of his own accord to verify my supposition, after they built the new Valley Savings Bank and had a modern lock box, he took a lot of papers out there that bore on the Middletown section, because a lot of people came in on Saturday night, and it occurred to me he carried that deed out among other papers and put it there. That may be only my supposition.

Q You were unable to find it?

A No.

FOSTER C. REMSBERG recalled by Mr. Coblentz:

Q Mr. Remsberg, the original deed that was executed, tell us about what it contained. Were you familiar with the contents of the original deed?

A Yes, it gave the nominal consideration and also described the lot as recorded in Platbook S.T.H.

Q And that was made by the Middletown Improvement Association?

A Yes.

Q To whom?

A Emory L. Coblentz.

Q Was there any restriction on the title? Was it fee simple or how?

A Restrictions on the title of Mr. Coblentz was signed which were to bind him as the grantee to observe those restrictions. Those restrictions were on all those lots, and a verbatim copy on all the deeds. Twenty odd lots and they are on all of them.

Q I show you deed dated August 3, 1932. Does that contain the same terms as the original deed? (Objection)

A Yes, this is a certified copy of the deed we made August 3, 1932, which was to be a duplicate deed of the original executed in December, 1917.

CROSS EXAMINATION BY MR. DELAUTER: