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23nd Answer. He does not recollect what Conversation passed at that time.

24th Answer. He believes the Defendant did know or had been informed at or before that time that the said Stockton did purchase said property for Davis or wife as he hath before answered.

25th Answer. He does not recollect or know of any such Conversation.

26th Answer. He believes Mr Davis did call on him this deponent a short time before the first payment became due and after the bond of Conveyance had been given to the Defendant and said he would pay him two hundred dollars and give him security for the remainder, but this deponent said he could not do any thing in it because the bond was nearly due and he expected to get the whole when it became due.

27th Answered in 24th

28th Knows nothing further.

Adjourned to Thursday next the 30th instant 3 o'clock in the afternoon.

Thursday 30th Postponed to Monday next the 3rd April 3 o'clock in the afternoon.

Monday 3d April. Commissioners not agreeable to adjournment.

Present George G. Presbury.

Thomas Rutter.

Mr Garrettson on the part of the Complainant being duly sworn.

Answer to the 1st Interrogatory that he has known William Davis upwards of thirty years and Mrs Mary Davis about 13 or 14 years.

2 Answer. He has known the Defendant since the year 1777 or 1778.

Answer 9th He heard Mr Davis express a great desire to preserve that part of the property where the house and garden was and said that he would rather part with all the rest of his property than said house and garden as to the residue of this Interrogatory he answers not.

14th Answer. The said lots were not sold all together but in three divisions, the first division sold was the house and garden and to describe that division upon the platt a line was drawn with a lead pencil. This deponent understood at the time of the sale it was so divided in order to accommodate said Davis and wife and to enable that part to be bought in for said Mary Davis.

17th Answer The first subdivision sold was divided from the residue by a line of paling which run down through it and separated it from the other part.

23nd Answer. It was publickly said at the sale that said Stockton bid for said

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Mary Davis that this deponent so understood it himself and supposed it to be so understood by others from the general Conversation and he believes it was so understood by the Defendant and Cumberland Dugan and that said Dugan told this deponent so.

23rd Answer That this deponent had previous to the time of sale been applied to to be security for the payment of the money for said division should it be bid off for said Mary Davis that the time of the sale said Stockton told this deponent that the Defendant had agreed to be security for him the said Stockton if he bought the said property that Cumberland Dugan told this deponent that he believed (or supposed) Mr Walsh would be security for said Stockton. This deponent also afterwards speaking to the Defendant the Defendant said he thought it was a pity that said Davis and wife should be put out of said property and that he had become security for the payment of the money and that when they paid the money the property was theirs.

28th Answers. That a few days before Stockton went away Mr Dugan told this deponent that Stockton had a bond of Conveyance and that he might deed or assign it to Mr Walsh but whenever the money was paid the property would be theirs, meaning the said Davis and wife. This deponent saith that he and said Stockton had some Conversation a little before in which said Stockton informed this deponent that he was a good deal uneasy about his being security for said Davis for the purchase money of the said house and garden. That he was going to leave the place in a few days and had a mind to let Mr Walsh have it and whenever said Davis and wife paid the money Mr Walsh would let them have the property - on this deponent informing Mr Dugan of this Conversation the preceding Conversation with Mr Dugan took place.

Adjourned to Wednesday next nine o'clock in the forenoon.

Wednesday 8th Postponed to Friday next 3 o'clock P.M.

Friday 10th Commissioners not agreeable to postponement

Present. Geo. G. Presbury

Thomas Rutter

Interrogatories put to Henry Malin, Joseph Du Coe and Doctor Lyde Goodwin on the part of the Complainants.

First. Whether or not did you purchase a house and lot from William Davis or his wife in the year 1793 or at what time? and for what sum of money?

2d Whether or not do you know that the said Davis and wife or one of them was possessed of a house in Water street for which they or one of them received the annual rent of two hundred dollars or what sum? and at what time were they or one of them so possessed of the said house?

Mr.