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4. Have you or not knowledge and if yea, state what that the said Mill property was offered at public sale in Cambridge by the Sheriff of Dorchester County, by virtue of process of execution in his hands against Thomas Smoot in the Month of May in the year 1843. and that public notice was given that the said Turpin, the Complainant held a lien on the said property for a balance of the purchase money due thereon and if the said property was not sold by the said Sheriff by reason of the said lien, all the other property of said Smoot was disposed of and state if Jacob Wilson was present at said sale or not to the best of your recollection and belief.

James A. Stewart Sol. for Compl.t

Cross interrogatories propounded by Defendant interrogatories propounded to Filghman Hacket.

1st. Have you any knowledge of Mr. Turpins obtaining Judgment agt. Mr. Smoot for the balance of the purchase money due him on the Mill and Mill seat now in question

2. Did you or did you not enter as a Supersedeas in said Judgt.

3. Did you or did you not at the time that Mr. Smoot became bankrupt owe him said Smoot a certain sum of money if so state how much and whether it is still due and for what said debt was contracted.

At the execution of the annexed Commission issued out of the Court of Chancery and to me directed and empowering me to examine evidences in the Cause depending in said Court between Francis B. C. Turpin Complainant and Jacob Wilson defendant I the Commissioner therein named met on the 15th day of July 1845 previous to notice thereof given to said parties and taken the oath annexed to said Commission and having appointed William S. Jackson my Clerk and having administered to him the oath annexed to said Commission to be by him taken did proceed then and there in the presence of the

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Complainant and defendant to take the following depositions to wit:

Witness Thomas Smoot introduced of lawful age being being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says.

1. To the first interrogatory, that he is acquainted with both the parties and has known them for the last twenty five years.

2. To the second interrogatory he answers and says that he is acquainted with the Mill property in the 3rd District which formerly belonged to the Complainant and which he sold to this deponent. This deponent did purchase of Francis B. C. Turpin the said property known as Smoots Mill and received a Conveyance for the same for the sum of four hundred dollars, all of which he paid to the said Turpin before and at the time of the execution of said deed except the sum eighty dollars and Sixty three cents or thereabouts and that sum remained unpaid on the 9th of May 1842. and still remains unpaid and unsatisfied Deponent is satisfied that the balance of the purchase money remaining unpaid after the Conveyance from Turpin to him did with the accruing interest amount to the aforesaid sum or thereabouts on the 9th of May 1842.

3. To the third interrogatory, he answers and says that he has no particular knowledge or recollection of having heard Mr Wilson say anything in relation to the balance of the purchase money for the said Mill being unpaid except a Conversation he held with Mr. Wilson on one occasion may be considered as having a bearing upon the object of the question to wit Deponent states that in the Month of August 1843. and after the sale of the property made by Mr. Laird his assignee Mr. Wilson whom he understood became the purchaser called at his house and made some enquiries about the saw and some iron which had been attached to the