and that it the said plaintiff has a reasonable expectation and belief that the evidence of said Van Steuben can hereafter be procured in a reasonable time. And this deponent further states that Edwin H. Tracy a resident of this County in this State is a material competent and proper witness for the plaintiff in this suit by whom it expects to prove that the said Tracy is the chief agent and principal superintendent of all its business resident in this County, that as such agent and principal superintendent he made for the plaintiff the lease aforesaid to said Jeffries the defendant for one year which had expired before the institution of this suit of the same premises for the recovery of the possession of which are premises from said defendant Jeffries this suit was brought that said Jeffries took possession of said premises under said lease and paid the rent reserved in and by said lease to the plaintiff that after said lease had expired the said plaintiff claimed possession of said premises from said Jeffries who refused to give up said possession of the said premises and held the same against the said plaintiff without any claim or regard to its rights long after this suit was instituted that when said lease was made he said Tracy was the only person authorised and empowered by the plaintiff to make any lease of said premises for it to any one and that ever since said lease was made to the said Tracy he has continued to be the only person authorised and empowered by said plaintiff to lease said premises or any part thereof, or to make any arrangement agreement or condition in relation to demising any part of said premises, or any agreement or arrangement by which said Jeffries or any other person could claim or enjoy or hold from said plaintiff any interest therein, or any right to retain any part of the same except for the year for which it had demised the same as aforesaid by the lease made by the plaintiff to said Jeffries aforesaid that said lease so made was made by the plaintiff and was assented by said Jeffries in this said Tracy's presence after having been read over fully to said Jeffries in the presence and hearing of both said Jeffries and himself said Tracy that after said lease was made he the said Tracy never did nor did the said plaintiff ever make any other lease of the said premises by said Jeffries for any period of time after the time fixed in said lease itself for the end thereof or for feeding or doing anything with any part of the said demised premises which would entitle the said Jeffries

to hold or expect to hold any part or the whole of said premises after the expiring of said lease at any time after said lease was made the said plaintiff was asked by said Jeffries to give or promise him another lease or a renewal of the one that had been made for another year and after and after that for which said lease was made or the privilege of feeding or doing certain things with said property as demised which would regard or entitle him said Jeffries to hold the said premises or part thereof for a longer time than that for which they were demised for one year as aforesaid which the plaintiff positively refused to do and never did do or promise any thing of the kind to said Jeffries after said lease for one year was made. And this deponent further states that he believes this cause cannot be tried with Justice to the plaintiff without the evidence of said Tracy that the evidence of said Tracy is to and will prove facts most material to the plaintiff in this cause that this deponent thinks that the said Tracy has always been present for the purpose of being a witness for the plaintiff in this cause whenever it was for trial or would have been tried at any previous term of this Court and that said Tracy would not be present here as a witness for the plaintiff in this cause but for a sudden attack of illness which prevents his being so present as this deponent is credibly informed and verily believes that the Plaintiff has used all proper and reasonable endeavors to procure his attendance in this time the said Tracy has always declared his intention to be present as such witness and has been present heretofore as aforesaid has always declared that he would be present at the trial as witness and when he back in time to testify for the plaintiff in this cause and would not be present as such witness as this deponent is most credibly informed and absolutely and verily believes but for a sudden attack of illness which prevents and still prevents him from being and which alone prevents him said Tracy from being present here at this time as a witness in the trial of this cause for the plaintiff.

And this deponent further states that the said Plaintiff has and that the said deponent has a reasonable expectation and belief that the attendance of the said Tracy as a witness for the plaintiff in this