sale of the theatre but without reference to the fixing of limits for the price, deponents recollections of these conversations which were casual is too vague to enable him to speak with certainty except in regard to Mr. Mendez Cohen with whom deponent had the conversation related above — The only conversation deponent had with Mr. Glenn was on the day of sale at deponents office a few hours before the sale and at the place of sale, as mentioned in deponents answer to the exceptions in this cause — When Mr. Glenn called on deponent at his office he asked him what was his limit of sale, deponents was, as made in his answer to the exceptions from twelve to fifteen thousand dollars, Mr. Glenn then said that he would give thirteen thousand dollars for the property deponent is not certain whether Mr. Glenn said that he would give — or find a purchaser at thirteen thousand dollars this conversation was a brief one and the next time deponent saw Mr. Glenn was at the place of sale — Deponent did not regard the price bid by Mr. Benjamin I Cohen at the sale in eighteen hundred and forty two as fixing any value on the property —

It thought it an arrangement among the parties interested by consent of parties the taking of further depositions was postponed until Saturday the nineteenth day of September eighteen hundred and forty six at six o'clock P.M. at which time I proceed in the presence of William Schley Esquire solicitor for the exceptant and of John Glenn Esquire solicitor for James V Wagner to take the following depositions to wit —

John Reese a witness of lawful age produced on the part of James V. Wagner being first duly sworn on the Holy Evangely of almighty God deposes and says that, He is the President of the Firemans Insurance Company of Baltimore — that company has insured on the Holliday Street theatre at four per cent per annum premium that insurance was effected by Mr. Mendez Cohen in respect of his interest to the amount of four thousand dollars, There has been a recent application to that Company by Mr. James V Wagner for insurance on the theatre to the amount of ten thousand dollars The board of Directors, to day agreed to take ten thousand dollars at four per cent per annum on the theatre —

(Cr Ex by Mr. Schley) Deponent has been President of the Firemans Insurance company for twelve or fifteen years applications for insurance vary materially, some desiring insurance in full some one half, some one third, the Company generally insures for two thirds of the value of the buildings —

(Ex by Mr. Glenn) The general cost of insurance of three story brick building with a frame roof is thirty cents in the hundred dollars on the same kind of building with a slate roof twenty five cents in the hundred dollars —

William A Tucker a witness of lawful age produced on the part of James V Wagner being first duly sworn on the Holy Evangely of almighty God deposes and says that, He is the President of the Baltimore Fire Insurance Company, the Baltimore Fire Insurance Company has declined every application for insurance on the Holliday Street

theatre in consequence of the risk and a severe loss which the Company sustained by the burning of a theatre in Philadelphia — Mr James V Wagner applied to the Company a few weeks ago since his purchase of the Holliday Street theatre for insurance on that theatre to the amount of ten thousand dollars —

Henry A. Reynolds, a witness of lawful age produced on the part of James V Wagner being first duly sworn on the Holy Evangely of almighty God deposes and says that — He is a master builder has been so about twelve years is well acquainted with property in Baltimore deponent has carefully examined the Holliday Street in company with Mr. Robert Cary Long it wants a new roof deponent and Mr. Long went together and examined the condition of the building they measured and estimated the different repairs necessary to make it tenantable — The solicitor for James V Wagner, offered the paper marked ex bibit R. C. L. herewith annexed and asked the witness if that is the estimate of the cost of repairing the theatre and reduced to writing by Mr. Long and signed by Mr. Long and the witness To which question objection was made by the Solicitor for the exceptant who also objected to the delivery of said paper to the witness and to its admissibility in evidence, And desired the said objections to be noted — Deponent answers that it is the estimate, deponent and Mr. Long made the measurements and memorandums just as they are carried out in the paper deponent examined the theatre yesterday afternoon, It required three hours to make the personal inspection of the theatre —

(Cr Ex by Mr Schley) Deponent was not on the roof yesterday his inspection of the roof was made by looking at it from the street the most of deponents examination was made by Mr. Giffords say so to deponent — deponent took Mr. Giffords statement in preference to climbing among the timbers he relied entirely on Mr. Giffords statements — Deponent has been all through the theatre he has been in it, in the boxes on rainy nights he never saw any rain coming through the roof, the cost of a tin roof as compared with shingles is as about nine to seven the tin being the more costly deponent did not examine the gutters but examined one of the downspouts that was corroded — he examined the stair ways personally found four new steps wanting and new steps to fit entrance necessary made a tolerable examination in person of the stage floor some of the girders are rotted and shored up — Mr. Long and deponent made the estimate for an entire new flooring and girders throughout examined the stage floor jumped upon it and played Richard for a while upon it, no one fell through there are twelve trap doors on the stage floor there are many patched places and deponent was surprised how they could go over it without running splinters into their feet —

Robert Cary Long a witness previously produced on the part of the exceptant and examined, now produced on the part of James V Wagner deposes and says that, at Mr. Glenns instance he examined the Holliday Street theatre with a view of ascertaining the cost of putting it in repair deponent examined the