April Term 1869

Thirty fourth Interrogatory

Did you as counsel for Mr Hamilton, appear before Shewacre, a magistrate, and try a cause for Mr Hamilton in which the title of this identical property was involved?

34 Answer

"I did that is I understood so, Mr Polk or Mr Hamilton told me that same day, that it was the same property on which I had bought the Mortgage. This was after I bought the Mortgage.

Thirty fifth Interrogatory

In whose favor was this case decided? (Objected to)

35 Answer

"In favor of Mr Polk.

Thirty Sixth Interrogatory

Did you appeal from that decision? (Objected to)

36 Answer

"I dont know I never tried any appeal,

Cross Examined for Complainant

First Cross Interrogatory

In your answer to the Twenty second Interrogatory in chief you say you were in the habit of dealing with Mr Hamilton in this way" please explain what you mean by this way.

1x Answer

"I was in the habit of buying whatever I bought of Mr Hamilton on his representation only. For instance I sitting in my Office, bought a wardrobe of him, which he said he had for sale, without having seen it.

Second Cross Interrogatory

When there were such transactions between Mr Hamilton and yourself as you have spoken of in your answer to the Twenty third Interrogatory in chief, was there any money passed between you and was there or not an express understanding as to the terms and conditions of such transactions?

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2x Answer

"Whenever notes were given to each other, no money passed, but there was an understanding that the notes should be collected and the proceeds handed over,

Third Cross Interrogatory

Do I or not understand you to mean in your examination in chief that at the time of your purchase of this Mortgage you had no knowledge whatever that Mr Polk or his wife claimed any estate, right, title, or interest whatever in the property on which you bought said Mortgage

3x Answer

I had no knowledge of any claim made or held by Mr or Mrs Polk at the time I purchased the Mortgage;

Fourth Cross Interrogatory

Did you at that time know them in any way in connection with that property

4 Answer

"I did not

Fifth Cross Interrogatory

As you have seen the property, please state if the houses are susceptible of being sold separately?

5 Answer.

I do not know; I could not say that they stand together, and could as well be sold separately as any other two houses? (Objected to by the Defendants Solicitor)

Sixth Cross Interrogatory

Can you state if they had been sold separately in December 1866, what they would probably have brought?

6 Answer

"Not more than six or eight hundred dollars apiece then, I judge.

No other witnesses being named or produced to me, I then at the request of the Solicitors of the respective parties