George L. Van Bibber, a witness of lawful age, produced on behalf of the defendant, being duly sworn deposeth and saith as follows, that is to say;

1 Qu. State your residence and occupation?

Ans. I am a member of the Harford County bar, residing in Bel Air.

2 Ques. Do you know the parties to this suit?

Ans. I know only the defendant, Dr. John Van Bibber.

3 Ques. Were you applied to by Dr. John Van Bibber in connection with his contract of purchase of the property No. 1120 N. Charles street, from Mrs. Reese, and if so, please state, under this inquiry, what took place on your part?

Ans. I happened to be in Dr. John Van Bibber's office sometime during the early part of September, 1888, when he informed me he had negotiated, through Mr. Savage, a real estate agent, for the purchase of a property on North Charles street, in Baltimore City; during the interview, he handed me a policy of insurance, issued by the Maryland Title Insurance and Trust Company, purporting to insure the title of the lot in question, and requested me to see Mr. Savage, the real estate agent, and arrange with him about the examination of the title by the company; I went to Mr. Savage's office and told him that I had seen Dr. Van Bibber, who had informed me he had agreed to purchase, through him (Savage), a lot on North Charles street, that the doctor had asked me if I could examine the title for him, and that I told the doctor, it would be much safer and better for him to have the title ex-

amined by some one more familiar with the Land Record office in Baltimore City than I was; that the doctor had asked me, then, if I knew anything about the title company, and that I had told him I had never any business with the company, but that I knew several of the gentlemen connected with the management of the company; that I had often talked with people who had done business with the title company, and I had also talked with a number of the members of the bar about the work done by the title company; and from information thus derived if I myself had any title to be examined in the city, I would be perfectly satisfied, and would employ the title Co. to do the work for me; Mr. Savage, in reply, said, that the company was the proper party to do this work, because it had already examined the title for Mr. Reese when he purchased the property, and consequently could give no answer, or do the work quicker than it could otherwise be done; I told Savage the doctor had requested me to inquire of him what the title company's charges would be, and Mr. Savage told me that, from his understanding of the rules of the company, the charge would be in the neighborhood of $40; I then asked Mr. Savage who was to prepare the mortgage for the balance of the purchase money to be given by the doctor, and he told me that the title company would do it; I then asked him if he would go with me to the title's Co.'s office; he said it was not necessary; I then asked him for a memorandum of the name of the party to whom the mortgage was to be given, the amount of the mortgage and the terms, which he gave