

place where there was regular wall was at the cellar at the south-west. I cannot tell if the inside of the cellar wall was perpendicular or not. I think the depth of the cellar from the surface was about from four to five feet. I did not notice any floor in the cellar. The only wall around the cellar I noticed was inside the house. The plaintiff does not live on the property now. The plaintiff has not lived on it for over twenty years. James H. Reynolds was living at Musquodoboit when the house was moved away. I don't know to my knowledge that my brother ever spoke of the property as James H. Reynolds'. Wellwood told me that James H. Reynolds had bargained with him for the farm. I understood from both of them that there was a bargain between them. 350

(Signed) THOMAS REYNOLDS.

Sworn to at Halifax, in the County of Halifax, this } J. HARVEY FRITH,  
13th day of January, A.D., 1880, before me, } Commissioner of County Court for County of Halifax.

I CERTIFY that the foregoing deposition of Thomas Reynolds was duly taken before me, the subscriber, at Halifax, in the County of Halifax, on the 13th day of January, A.D., 1880. 360

J. HARVEY FRITH,  
Commissioner of the Supreme Court for the County of Halifax.

(J. H. F.—A.)

HALIFAX, May 1, 1870.

To Thomas Reynolds, Esq.:

I hereby authorize you, and appoint you my attorney and agent in my name, and for me to demand possession from Wm. Ditchman, Jr., of Upper Musquodoboit, farmer, of the house by him purchased and receive I from James H. Reynolds, which is my property, and notify him that action will be at once commenced against him by me, if said possession is refused. 370

Yours, &c.,

(Signed) W. REYNOLDS.

MAY 26, 1870.

I, Thomas Reynolds, do hereby certify that I went to Wm. Deekman and made demand of the house above referred to, and he refused to give possession and, can prove the same.

(Signed) THOMAS REYNOLDS.

EXHIBIT H. McD., 3.

## MORTGAGE.

Wellwood Reynolds and Jane, his wife, to John Y. Payzant. Date 12th May, 1876. Consideration, \$400. Conditioned for redemption in one year. 380

DESCRIPTION:—All that tract of Land situate, lying and being in Upper Musquodoboit, being the western half part of a lot of land known as the Homestead. Commencing at the centre of the gate on the south side of the Post road; thence south  $12^{\circ}$  east, 56 rods, 10 links to Juniper tree sighted; thence same course 42 rods, 9 links, to corner stake placed in the meadow; thence north  $88\frac{1}{2}^{\circ}$  east, 14 rods, 15 links, to corner stake in said meadow; thence south  $3^{\circ}$  west, 38 rods, to river; thence following the course of the river down stream 8 rods, 31 links to end of drain; thence northerly up said drain 28 rods, 10 links, to a stake; thence westerly 46 rods, 15 links, to corner stake; thence north  $15\frac{1}{2}^{\circ}$  west along the east lines of James and George Reynolds' properties to rear line of Fisher's grant; thence eastwardly along the rear of said grant to west line of John Reynolds' property; thence southerly along said west line of John Reynolds' property to a stake on the north side of the Post road; thence easterly 18 rods, 45 links, to the place of beginning. 390

Recorded Book 203, pages 57, 58 and 59.