it is claimed in that "Writing" Exhibit S "that Jenkins had not kept the contract on his part it fails any where or in any way whatever to show or particularize where in he had failed and the Land officers will look in vain in the testimony from the first to the last page of it for any proof that Jenkins failed to keep and performa all he had said What was he (Jenkins) to do on his part. The answer: the testimony of Lindsey shows that he was to pay Lane $800. for the half of Lanes Claim and house &c. and the testimony of Lindsey and John Hutchinson and others shows that at the very time when Lane claimed that Jenkins had violated the contract Lane himself by ~~offered~~ offering to refund the money and notes to Jenkins showed that Jenkins had kept the contract. for Jenkins' part of the contract was to pay a certain consideration to Lane which he did - partly in money and partly in negotiable notes Whereas Lanes part of the contract to give Jenkins ~~part~~ ½ of his Claim was not performed or attempted because the land was not there and could not have been preempted

The contract by the words of the written instrument "Exhibit U." ~~was~~ on the part of Jenkins was to

Contract