-mission marked Complainants Interrogatories A, deposes as follows.—
1, To the 1st Int'y, Knows all except Jones & Morris.—
2, To the 2nd Int'y, If deponent remembers correctly Mr. Heide fixed different values to his different property, Exhibit No. 3, contains the different valuations which Mr. Heide fixed upon his property Lot A on complainants Exhibit No. 1, was intended to be assigned by the commissioners to Mrs Baynard and was supposed to have been done, The valuation fixed upon said Lot A was considered too high by the residuary devisees all the parties interested in the estate agreed to reduce it, deponent cannot answer it any other way than by saying they followed out the wishes and the intention of the devisees.—
3, To the 3d Int'y, she took that piece of property in order to equalize the division, the value of the property was reduced because it was not producing an income equivalent to the valuation which Mr. Heide had placed upon it.—
4, To the 4th Int'y, She was put in possession of it and drew the rents, she commenced receiving the rents shortly after she was put in possession which was shortly after the division was made, does not know how long she received the rents, but it was for a long time, has himself collected the rents at times for Mrs Baynard.—
5, To the 5th Int'y, does not know whether they are covered by two roofs, thinks they are but one property, has always been under the impression they were but one store, have had different tenants one in the front and the other in the back was under the impression it was but one store, but it was found convenient to rent the front to one tenant & the back to another, it brought a better rent in this manner at the time it was so rented, deponent thinks there was no communication from the front to the back this mode of renting existed before Mr. Heide's death, and continued afterwards, Mrs Heide has rented the property in this manner since Mr. Heides death Mrs Heide has received the rents of both of said lots ever since her dower was assigned her by the commissioners of the Orphans Court.
6, To the 6th Int'y does not know.—
7, To the 7th Int'y does not know.—
Deponent being examined as to the additional Interrogatories filed with and annexed to this commission, marked "Complainants additional Interrogatories C" answers as follows,
1, To the 1st additional Int'y, It was.—
2, To the 2d additional Int'y, None of the commissioners went to the property and designated it, possession was taken by the parties according to the paper marked Exhibit No. 3, in the hand writing of Mr. Heide does not mean to say that Mr. Heide divided the property it was divided by the residuary devisees themselves and Mrs Baynard took Lot A on complainants Exhibit No. 1, by all the parties consenting to the pro-

-duction of its valuation, the residuary legatees after the award was made took possession of the parts of the estate which they had set out to each other in the division, possession of the property was taken by drawing rents and exercising all the rights of ownership.—
3, To the 3d additional Int'y Has answered this question in answer to the 5th Interrogatory.—
Cross examined by John T. Floyd solicitor for Morris & Jones—
Interrogatories filed with and annexed to the commission, marked cross Interrogatories D, on the part of the defendants to Deponent Zebulon H. Cooch, answers as follows.—
1, To the 1st Cross Int'y, cannot say how often they met, they certainly met once to the best of deponents recollection cannot say whether they met more than once, deponent doubts whether there was ever more than one.—
2, To the 2nd Cross Int'y, cannot remember whether the instructions given by the parties interested to the commissioners were in writing.— cannot state particularly how the instructions were given, or the designs made known, there must have been verbal communications from the devisees to the commissioners and probably from myself.—
3, To the 3d Cross Int'y, does not remember which of the devisees made the verbal communications of which the deponent has spoken to the commissioner, cannot say when they made them, cannot say whether they were made at said meeting of the commissioners but takes it for granted they must have been before said meeting. Further Interrogatories to deponent Z. H. Cooch, on the part of the complainant filed with and annexed to this commission, marked E to which deponent answers as follows.—
1, To the 1st additional Int'y, Yes I answer, deponent does not recollect a distinct meeting of all the commissioners, but means to say there must have been a meeting of the commissioners in order to execute the award, deponent was one of the commissioners.—
2, To the 2d additional Int'y, does not recollect of any communications being made in writing to the commissioners by the residuary legatees.—
Joseph Wilkins, a witness of lawful age, produced on the part of the complainants being duly sworn and examined to interrogatories filed with the commission by the complainant and herewith returned, marked "complainants Interrogatories A" deposes as follows.—
1, To the 1st Int'y, Knows all the parties except Jones and Morris.—
2, To the 2d Int'y, The time has been so long that I have not charged my mind with all the facts, Deponent merely acted as a commissioner and an instrument to carry into effect the designs of the parties interested in the estate