writing you send the same with this Commission closed under your hand and seal to this Court with all convenient speed.

Witness the Hon Thos Perry Judge of our said Circuit Court the 7th day of March 1853. Issued the 5th day of April 1853.

J. Hesbitt clk

Commissioners Oath.

You shall according to the best of your skill and knowledge truly faithfully and without partiality to any or either of the parties take the Examinations and depositions of all and every Witness and Witnesses produced and examined by virtue of the within Commission upon the Interrogatories now or which may hereafter before the said Commission is closed be produced to and left with you, by either of the said parties. So help you God.

Sworn before C. Shepherd

Accompanying the foregoing Commission were the following Interrogatories to wit;

John Funk vs Christian New comer and others } In the Circuit Court for Washington County, sitting in Equity No 1176.

Complainants Interrogatories

1st Do you know the parties to this suit and how long have you known them or any of them.

2d Were you acquainted with Andrew New comer late of Washington County dec'd if so how long prior to his death did you know him. State where he resided and when did he die;

3d State Were the said Andrew New comer resided, if you know where he did reside, did he own any land in Washington County: if so where did it lie and whose lands did it adjoin;

4th State whether you had any conversation with the said Andrew New comer or whether you were present at any conversation held by him with any other person in relation to the land on which he resided and whether you ever heard him say any thing about the right or title to said farm, if yea, state such conversation or conversations fully, state when and where said conversations took place and who was present state the same fully and particularly;

5th Do you know of your own knowledge of any debts or claims due and owing by the said Andrew New comer in his lifetime which were paid or satisfied by John Funk if you do know of such, state to whom the said debts were due and owing how much, if any, paid by said John Funk and when paid by him, State whether you know of any payments made by the said Funk, at the instance and request of the said New comer, how, when paid, when paid and how much he paid.

6th You have stated in your answer to a former Interrogatory that you knew the farm on which the said Andrew resided and died, if you can recollect as far back as the year 1825 State what was its value then and what was the value of lands in its neighborhood in that year and for five or six years thereafter. State in fixing the value of said land what effect would a dower right have upon its value

and what effect would the fact if such fact existed, of a third person holding an undivided interest in said land have upon its value;

7th State whether you know any thing of the pecuniary condition of Andrew New comer, if so, state you knowledge fully, state all you know previous to and subsequent to the year 1822.

8th Do you know Christian New comer the son of said Andrew if so, how long have you known him what was and is his pecuniary condition state whether you heard him make any declarations in relation to the farm on which the said Andrew resided: state the same fully and particularly

Alex Neill Jr Complt Solr

9th State any other matter or thing that you may know in relation to this matter.

W. D. Hamilton for Complainant

At the same time the Complainant and Defendants aforesaid by their Solicitors aforesaid filed in Court here the following agreement, to wit;

John Funk vs Christian New comer et als } No 1176.

It is agreed by the Solicitors in the above cause that the answers of Elizabeth New comer and Sarah New comer Defendants shall be filed at any time before hearing and shall be taken and considered and marked as filed before any Commission to take testimony was issued in said cause and that all advantage which might be taken by reason of any irregularity in not filing said answers in time is hereby expressly waived and replications to the answers may in like manner be filed.

J. Dixon Kennan Solr for Deft

April 14th 1853

Alexr Neill Jr } For Complt
William D. Hamilton

And thereupon further proceed of and upon the premises aforesaid between the parties aforesaid by order of Court here and in conformity with the Act of Assembly was continued until the fourth Monday of July next.

At which said fourth Monday of July being the twenty fifth day of the same Month in the year of our Lord one thousand eight hundred and fifty three came again into Court here the parties aforesaid by their Solicitors aforesaid.

And thereupon Sarah New comer one of the Defendants aforesaid filed in Court here her answer to the foregoing Bill of Complaint in the words following to wit;

The separate answer of Sarah New comer wife of Christian New comer of Washington County to the Bill of Complaint of John Funk filed in the Circuit Court for said County as a Court of Equity No 1176 against Christian New comer this Defendant and others.

This Defendant saving and reserving to herself all benefit and advantage of her exception to the many errors uncertainties and insufficiencies in said Complainants said Bill of Complaint contained for answer thereto or to such parts thereof as she is advised it is proper for her to answer, answering says that she admits Andrew New comer executed the Deed of Trust he exhibited with his Bill marked A. and she believes there was an arrangement afterwards between the Trustees named in said Deed or the survivors of them and the Complainant and her husband Christian New comer by which the debts of