conveyed to him by the Deeds hereinbefore referred to which were sales of 75 acres of land amounting to two thousand three hundred dollars; that Andrew Hencomer was a joint grantee in said Deeds and the lands thereby conveyed being part of the lands embraced in said deeds of trust this Defendant is advised and she so insists that the said Complainant is now precluded from denying the right and title of said Andrew and to said lands in whole or in part; and she further is advised and so insists that this transaction with said Funk fully explains the nature of the trust or title which said Funk and her son Christian had or derived under said Deed marked B. or the manner in which they held said lands. She further answering states that at an time she this Defendant received about Four hundred dollars in her own right from her mothers Estate of this sum she gave to her said husband at his request one hundred and sixty dollars which she was informed he took to said John Funk and with which the debt due to Michael Emmert was paid.

This Defendant further answering says that Andrew Hencomer always had possession of said lands and continued in possession up to the time of his death, living upon the same though his son Christian and his family after his marriage lived with him and cultivated the lands (except the mountain tract) paying to said Andrew annually two parts out of five. That the said John Funk moved part of the meadow some years, and gave shares to said Andrew. That when the said Funk built his house on the lands bought by him he lived with said Andrew and pastured his stock on said farm and offered to pay the said Andrew for these favors but which the said Andrew declined to receive. That said Andrew always paid the Taxes and kept the farm up; and also used his rents as he could upon them towards the payment of his debts.

This Defendant further answering admits that the said Andrew after said Deed of trust acquired the other fourth interest in said lands by devise from Christian Hencomer Sen.

This Defendant denies that the said John Funk is entitled to a partition of said lands either equally with said Christian or in any other way he having no title in equity to any of them and a mere dry, legal title under said deed of conveyance marked B. except to 58 acres purchased by him and now and ever since in his possession. Nor could the partition of said lands asked for by said Bill be made in as much as large portions thereof were sold to others who are not parties to this Bill and fifty eight acres thereof sold to the said John Funk himself. This Defendant has no knowledge that said Funk ever made such a demand in the life time of her said husband nor has she any knowledge and cannot admit but denies that any application was made to said Christian for a division of said lands as pretended in said Bill prior to the institution of said Bill itself.

This Defendant further answering admits that the said Andrew departed this life in the year 1847, leaving this Defendant his Widow and the said Christian Hencomer Halthaus

Funk wife of the Complainant his only children and heirs at Law; She further admits that the said Andrew prior to his death executed his last Will and Testament which is exhibited with the answer of said Christian which was duly admitted to probat by the Orphans Court of said County; but this Defendant denies that by said Will the said Andrew only devised the one fourth interest in said lands which he had acquired after the execution of said Deed of trust; but insists that by said Will he devised all of said lands including said fourth which remained after the sales to various persons for the payment of his debts as aforesaid; and this Defendant is advised and so insists that he the said Andrew had the right and power to devise and dispose of the same, or any surplus in lands or other property or effects which remained to him after the purposes of said Deed of trust had in any manner been accomplished as by the respective trusts in said deed are contained and that said Will operates effectually upon all surplus lands and estate to convey the same to the devisees or for the purposes therein contained. This Defendant having relinquished the bequests and devises in said Will for her benefit has and claims dower in all said lands and tenements; and prays this Honorable Court to protect her rights and interests in the premises in whatever Decree or Decrees or orders may be passed in this cause.

And this Defendant further prays that the said John Funk may be held to a particular and strict account of all moneys received by him from the said Andrew Hencomer either directly or indirectly for the purpose of paying the debts of the said Andrew specified or embraced in said Deed of trust and that he may be required by your Honorable Court to render an account of the same and of the manner of which they were applied together with the times of their receipt and disbursement upon his corporal oath. This defendant submits whether the instrument of writing exhibited by the Complainant with his Bill marked B. is in pursuance or fulfilment of the trust and powers granted by the said Deed of trust marked A; and whether any right or title could pass by said deeds to the said John Funk and Christian Hencomer in the manner pretended by said Funk in his Bill of Complaint.

And this Defendants further avers that from the time of the date of said Deed of trust marked A. the said Andrew continued to hold quiet and peaceable possession of the lands conveyed in and by the same and also from the time of the execution of said instrument of writing marked B. in the year 1825 he has continued to hold quiet and peaceable possession of the same claiming title to all except as aforesaid from the several times portions were sold off as aforesaid to others and as to all the residue contained in said exhibits A & B. he continued in quiet and peaceable possession as aforesaid ~~and~~ to the time of his death in the year 1847 claiming the same as his own and that the said Complainant or any other person to this defendants knowledge ever entered upon the same or claimed any right to that ever over said lands as against the said Andrew except as sales were made off and from the same as aforesaid; but as to the residue no such claim or entry was ever made and attempted; and the said Andrew having thus held the peaceable and quiet possession