brances. A dower in it and old Andrew Newcomer holding an undivided fourth part of it would diminish its value. Cannot say what it would be worth in such case.

Daniel Witmer purchased lands adjoining this said farm for thirty or thirty three Dollars per acre: but cannot recollect the time when Witmer purchased said lands. The farm on which Christian Newcomer resides would, clear of incumbrances have brought more than the one Witmer bought. Witmer's property had no improvements on it. Newcomers had a Stone House and a good Barn.

To the Seventh. Knows little about Andrew Newcomers money affairs. He kept but little money about him, and had but little. Two or three years ago and for a couple of years before that there went from the farm on which Christian Newcomer resides was bought (generally by Christian Newcomer son or his kinsfolks) to this Deponents Mill and sold; The money due on such sales was afterwards divided between Christian Newcomer John Funk and Mrs Andrew Newcomer. This Deponent paid the money as follows: to Christian Newcomer his share, to John Funk his and that of Mrs Andrew Newcomer.

To a Cross Interrogatory by Defendants — Christian Newcomer is an Incumbrance of a man. He is generally known to be a short minded man and cannot do a great deal of business. Does not recollect that he ever dealt much at the mill.

Mrs Ann Emment a Witness of lawful age being sworn and examined to the said Interrogatories deposes and says.

To the First Interrogatory. Knows the parties to this suit. Has known them for many years.

To the Second Interrogatory. Knew Andrew Newcomer about thirty years ago, Lived with him. He resided on the place where Christian Newcomer his son now lives.

To the Third Interrogatory. Andrew Newcomer owned the farm on which Christian Newcomer now lives when this deponent lived with him first. This was about thirty years ago.

To the Fourth Interrogatory. Heard Andrew Newcomer repeatedly say that the farm on which he lived was turned over to John Funk and Christian Newcomer. Often heard the said Andrew say he was worth nothing and that he would have to go to the poor house.

To the Sixth Interrogatory. Knows that John Funk paid many debts for Andrew Newcomer. He paid one debt to this Deponent which Andrew Newcomer owed to her on a Note. Said Debt amounted to about two or three Hundred Dollars.

To a Cross Interrogatory by Sol for Defendants

Heard that John Funk paid money debts for Andrew Newcomer but was not present at the payment of any debt except the one he paid to herself. Do not know where John Funk got the money to pay her with. Understood both from Andrew Newcomer and his wife that John Funk paid Debts for Andrew Newcomer.

To the Seventh Interrogatory. Nothing.

To the Seventh Interrogatory. Andrew Newcomer was a bad man-

ager, was always scarce of money; and drank very hard.

Note. Before the interrogatories of the testimony on arriving the note to Mrs Ann Emment referred to in answer to the 6th Interrogatory, the affidavit marked A.B.H. Ref. was filed with me the Commissioner and is herewith returned.

A. K. Snyder.

To the Eighth Interrogatory. Knows Christian Newcomer. He is no manager. Deponent knows nothing about his pecuniary circumstances.

To the Ninth Interrogatory. Heard Mrs Andrew Newcomer say that the farm was turned over to John Funk and Christian Newcomer. Often heard her say that she wanted the farm turned over to John Funk and Christian Newcomer before it was turned over. This always affirmed old Andrew Newcomer. Often heard her say too that Andrew Newcomer would spend two such farms as he owned. After the farm was turned over to Funk and Newcomer often heard her say 'it was good no her husband could not make way with it.' Knows nothing further.

Further Examination of Evidences postponed until Friday the 11th when Complainant produced Elijah Williams, a Witness of lawful age, being sworn and examined to the said Interrogatories deposes and says.

To the First Interrogatory. Knows the parties to this suit.

To the Second Interrogatory. Knew Andrew Newcomer about thirty six years before his death. He resided on Beaver Creek in Washington County where his son Christian now resides.

To the Third Interrogatory. Andrew Newcomer owned the lands on which he resided, at one time, and a small tract of mountain land.

To the Fourth Interrogatory. Worked a good deal for Andrew Newcomer. Heard him say that a part of the land on which he resided belonged to himself and part to his father. This was about the year 1815. Some years after that heard him say he did not owe any thing. Neither did he owe any one; that he was a freeman, had a home rent as long as he lived and no one could turn him off. He said that the farm belonged to John Funk and Christian his son and that it must be divided between them after his death. That John Funk was paying his debts. Said that there was an agreement or contract (Witness does not recollect whether he said it was in writing or a verbal one) between himself John Funk and Christian Newcomer, by which he (Andrew Newcomer) was to remain on the place during his life time. This was between three and four years before his death.

Counsel for Defendants objects to the declarations of Andrew Newcomer so far as offered to show title in the Complainant

To the Fifth Interrogatory. Christian Stouffer came often to collect money due from Andrew Newcomer to one Jacob Stouffer. Heard Andrew Newcomer say he could not pay him, that he had no money. Afterwards was at the Mill when Andrew Newcomer was there, John Funk came up and said I have paid off Stouffer's note. Andrew Newcomer replied that he was glad of it, for Christian Stouffer was running after him day after