in response to the second Interrogatory as far back as deponent remembers and up to the time of his death, except such parts of it as were sold to D. S. Funk, Gearhart & John Funk and others. but the part now in the possession of Christian Newcomer he remains in possession of.

Witness lived on said farm three different times with Christian Newcomer who lived in the log house while Andrew Newcomer lived in the stone house close by. The first time Witness lived there was when he was a boy and he worked there for his victuals and clothes stayed two or three years the first time. The second time about five years after the first period, lived with Christian Newcomer again, for about two years and received wages, Christian still living in the log house and Andrew Newcomer in the stone house. About two years after that lived again with said Christian about one year, first in the character of a boarder and then as a hireling. Christian still living in the log house. This was about 17 years ago. Has been there often on visits every year since. During all this time Andrew Newcomer claimed possession of the land. He cut timber there, fixed the Barn, repaired the roofs of the buildings, paid for cutting the fire wood, and said he paid the the taxes and claimed the land as his own. Deponent did not know that any one else claimed the land. Andrew Newcomer always lived in the stone house, the main building on the premises. and Christian after the log house became too bad to live in removed to the stone house and lived there. Andrew Newcomer gave the orders about the business of the farm, gave directions as to what fields should be manured and ploughed and all the hands went according to his instructions. Christian was in the habit of getting directions from his father he never ploughed a field without first having a direction from his father.

Excepted to

Excepted to

Cross Examined by Complainants Counsel.

Question. You speak of cutting wood. when was it cut; answer. It was cut on the home farm. Andrew Newcomer had it cut there. this was both times when Deponent lived there. Witness hauled fire wood cut on the home farm. Andrew Newcomer said that that (wood) he would keep for "a sore finger" by which he meant that when the roads were bad they could get the wood from that woods, when they could not reach the mountains.

Question. Who paid for cutting the wood you speak of as having been cut on the home farm; Answer. Saw Andrew Newcomer measuring cord out of this cut for one Jacob Mack and heard Andrew Newcomer say at the time that it was for cutting wood. And Witness knows that before this Jacob Mack aforesaid had cut wood both on the home place and on the mountain tract. Did not see him pay any bounties. Question. Was this in the life time of old Christian Newcomer; Answer. It was.

To the Sixth.

Does not know that John Funk rented any land from Andrew Newcomer. But knows that the Defendant in this cause Christian

Newcomer farmed the land on shares. but cannot say for what length of time. Witness was a small boy when he first went there; at that time the said Christian had the farm on shares. and he had it on shares when he went there the last time. He always had it on shares when Witness worked there. He kept it on shares until the death of Andrew. Witness helped to divide the produce once while he was living there. After he left there Andrew and Christian Newcomer both told this Witness that the farm was still rented in the same manner on the shares. Knows that John Funk mowed the part of the meadow lying on the other side of the Creek and knows that he gave the half of it to Andrew Newcomer. One year John Funk wanted the whole of the hay but Newcomer told him he might take it, but that he must pay him for it. Witness one year hauled the half of the hay made by John Funk on the said meadow, away to Andrew Newcomers.

To the Seventh.

Was too young in 1825 to remember the pecuniary circumstances of John Funk.

To the Eighth

Christian Newcomer is a brother in law of this Deponent. Does not consider him a man qualified to settle up and estate of any kind without the aid of some other person. Would not suppose him capable of settling up his fathers debts; he is not capable of making a calculation. Deponent tried him in his own business. Christian (the defendant) had always to apply to his father in such cases and what his father said was law: the said Christian told Witness that he considered in John Funk, that whatever Funk said was right.

To the Ninth

After the death of Andrew Newcomer the Defendant Christian Newcomer told this Witness that John Funk owe and executor ordinance half of the crop the said Christian told Witness that John Funk had told him that the Will was broken and that the land belonged to him (Christian the Defendant) and to John Funk. This was the first knowledge this Deponent had that John Funk claimed any part of the land except the part he had bought before the death of Andrew Newcomer.

To the Tenth

Knows nothing further than as already stated.

To the Eleventh

John Funk picked apples there on the farm one year when they had plenty of apples. Andrew Newcomer said that he (John Funk) was to pick the apples on the shares. Deponent knew nothing about the arrangement between John Funk and Andrew Newcomer with regard to the apples. Does not that Andrew Newcomer ever worked for John Funk he never worked at home excepting haying and in taking up the ditches in the meadow. The stock on the farm always remained in the possession and use of Christian Newcomer (the Defendant) except one horse. Andrew Newcomer said they belonged to Christian (the Defendant) but whether he has paid for them this Witness cannot say.

Excepted to

Andrew Newcomer said his two children were charged with what