To the Seventh.

Knows nothing. Before Witness went there to live

To the Eighth.

Did not know the circumstances of Christian New comer, the Defendants mind at the time of the execution of the Deeds. Should not think him competent to settle up his fathers debts. Can't say anything as to the control & influence John Kunk may have exercised over his mind in settling up his fathers business under the Deed of Trust as he Witness did not live there at the time.

Cross Examined by Counsel for Complainant.

Question. Do you know whether Christian New comer, the Defendant, has been acting for a number of years past as a Trustee of the Schools; Answer. He has been appointed and has been acting as trustee of a School in the neighborhood. The trustees are selected by the Subscribers to the school

Cross Examined by Defendants.

Question. Do you know whether he has ever performed any of the duties of a Trustee; Answer. I do not know, Question; Is he competent to be a trustee of a School; Answer. He would not be competent to be a trustee because he is no Scholar and could not examine a teacher. Thinks he cannot calculate. He cannot give change.

Witness knows from what he has seen at several occasions of business with Christian New comer, the Defendant, that he cannot give change yet Witness never tried him as to his capacity to give change or to count but thinks he could very easily be taken advantage of.

Excepted to

To the Ninth, Tenth and Eleventh Interrogatories respectively this Deponent says he knows nothing.

To Special Cross Interrogatories to this Witness by Complainant's Counsel herewith returned marked "D.T."

(Memorandum. The special Interrogatories above referred to marked "D.T." are inserted with the depositions on the part of the Complainant on page 89 of this record, reference thereto being had will more fully appear)

To the First.

Has had but little business with Christian New comer the Defendant. Except that he always sold hides to this Witness and bought leather from him.

To the Second

This Deponent answers "yes"

To the Third

Thinks the community does not regard Christian New comer the defendant as a man capable of attending to the ordinary run of business. The old man Andrew New comer told Witness that his Son Christian was not very competent to do business; that he, Andrew had to manage for him; and since Andrews death Christians New comers son has been managing for him. Knows this from what he has heard his sons say, and from Michael New comer who purchased wheat from him, that the Sons sold the wheat for him.

Excepted to

From what other persons says and from what Witness himself has seen. Knows that Christian New comer, the defendant, is not

capable of conducting the ordinary farming operations without some assistance.

Was seen the Sons of the said Christian delivering wheat at the mill. They, the Sons worked on the farm with the said Christian.

September 11th Examinations resumed.

Daniel Witmer, a Witness of lawful age, having been sworn and examined to the Defendants interrogatories deposes and says.

To the First

Is about 53 years old and knows the parties to this suit.

To the Second.

Knows the lands mentioned in Complainants Exhibits "A & B." Knew the same lands in the year 1825 and thereabouts. Lands in this County were very low in the years 1825, 6 & 7. Deponent bought his own lands consisting of 125 or 6 acres, and lying in the same neighborhood with those mentioned in said Exhibits about the year 1825 or 6; and paid thirty five dollars per acre for them, and his lands are as good as any in the neighborhood, well watered, but they were unimproved when he bought them; there was nothing on them but an old stable, barn, a very old log house and an old Hemp Mill in ruins. It had a small water power on it not worth keeping up, but the lands are well watered. Answer New comers home tract in the years 1825 & 26 with the improvements on them were worth from forty to forty five dollars per acre. It was a large tract containing about 214 acres being larger than the tract purchased by the Witness and consequently would not have brought as much an acre as Deponents land would have brought with same improvements. Men will give more for a small tract of land than for a large one. Witness' lands after being improved cost about 50$ per acre. Answer New comers farm is a good farm as good a quality of land as any in the neighborhood. It has a good spring and running water on it. The spring is a large strong standing spring and runs close by or under the house. Beaver Creek runs through the middle of the farm. There is a good Stone Swisser barn on it, and a double stone dwelling house with back buildings on it. All these were on the lands in 1825 and before that time. There was also a log dwelling house on the same lands in 1825 in which Christian New comer the Defendant lived, and it is there yet. These said improvements would cost his or three thousand Dollars. A Barn like that on the said farm would cost from $1200 to $1500. and the House would cost about the same. These improvements are proper and suitable improvements for a farm. The mountain tract consisting of 81 acres in 1825 was worth about $5 or $10 per acre. A great deal of mountain land was bought about that time for $5 per acre.

To the Third.

Witness says he has no personal knowledge.

To the Fourth.

Knows nothing of his own personal knowledge.

To the Fifth.

The part of the said tracts of lands in which Christian New comer the Defendant now resides on, remained in the possession of Andrew