was judging from his appearance 75 or 80 years old; looked upon him then as a very old man. He died about seven or eight years after that.

To the Second.

John Funk resides on part of the tract of land that was comprised in Andrew New comers farm, and he has lived there since he purchased it.

To the Third.

Christian New comer was competent to do the business that the Trustees of that School were in the habit of doing. The Trustees very seldom attended or done any thing when they did attend. They never Examined a teacher or a Scholar. Witness cannot say whether the said Christian can either read or write or whether he can count.

David Stover, aged seventy five years produced by the Defendants having been sworn and Examined to the Defendants Interrogatories in chief, deposes and says.

To the First Interrogatory

Was Knew the parties to this Suit since he Knew any thing

To the Second.

Knows the lands mentioned in the Complainants Exhibits marked "A" & "B." The mountain tract in 1825 and thereabouts was worth from five to ten dollars per acre. The other tract the "Home farm" of Andrew New comer was worth from $60. to $70. per acre. About 25 or 30 years ago Deponents brother, John Stover bought 4 or 5 acres of land from Andrew New comer and paid him $110. (one hundred and ten dollars) an acre for it. Witness at that time lived with the said John Stover his brother and heard the bargain made between his brother and Andrew New comer. This was a long time before the said deeds were made. Witness bought the same land from his brother John Stover and has had possession of them about 20 years, and thinks it is about 40 years since his brother bought them from Andrew New comer.

To the Third.

Andrew New comer told this Witness about three or four days before he was taken sick that he had now paid off all his debts; all but two notes one to John Funk and another to Christian New comer. John Funk was not present at this conversation. Witness was not a creditor of Andrew New comer.

To the Fourth. Knows nothing.

To the Fifth.

Andrew New comer always had possession of the lands mentioned in the Complainants Exhibit "A" & "B" ever since he purchased them from his father; and he was in possession of them up to the time of his death; he owned the lands. Witness rented land from him. Witness got hay and rails from him; Rented part of the meadow from said Andrew at the same time when John Funk cut grass on it, and both Witness and Funk gave the said Andrew part of the hay that they made on the said meadow. All these things happened after the Deeds were made. Witness got saw logs, wood and rails from Andrew New comer and always paid him for them. Got rails and wood from him about four years before his death.

Got the rails from him off the Syester tract. The lands that Witness rented belonged to the home farm. Witness rented some of the fields. This was about six & seven years ago. Paid the said Andrew rent by giving him half of the crops.

To the Sixth.

Does not know whether John Funk rented any of the lands from Andrew New comer after the deeds were made. The Witness says however that John Funk rented part of the meadow Andrew New comer told Witness so. Saw John Funk giving Andrew New comer part of the grass. One year John Funk was to clear the meadow for the hay. This was the first year and Witness was present when that bargain was made. Funk mowed the meadow after that and Witness saw Christian New comer the Defendant hauling the hay away that had been cut by Funks hands. And Christian told him (Witness) that he was hauling it for Andrew New comer. This is all this deponent knows about it after the first year.

Cross to

Christian New comer the Defendant rented from Andrew New comer forty out of five. He farmed the said lands from the time that Andrew New comer gave up the farm to Christian down to the death of Andrew.

To the Seventh.

Can't say what John Funk was worth at that time.

To the Eighth.

Andrew New comer always settled up for Christian New comer. Can't say whether Christian the Defendant was qualified to settle up his father's debts or not. Can't say whether he trusted to John Funk or not.

To the Ninth. Knows nothing

To the Tenth.

Cross to

Andrew New comer told Witness that he had sold lands to pay his debts. He said he paid to John Funk what he sold land for.

To the Eleventh, Knows nothing further.

To Special Cross Interrogatories filed with the Commissioner by Counsel for the Complainants and knowth returns marked "D.S." he deposes and says.

To the First

He cannot understand the English language well.

Thinks the land on which Christian New comer now lives would bring about $80 per acre. Thinks the said lands would bring more now than they brought then. They would bring six dollars an acre more now than they brought them in 1825.

To the Second

Cross to

Christian and Andrew New comer both told this Witness that Christian was renting the farm for two shares out of five.

To the Third

Has not been talked to about this suit; has heard it talked of, but has not been asked what he owed give in evidence.

John New comer, fifty seven years of age, produced on the part of the Defendants. Having sworn and Examined to the said Interrogatories in Chief filed by the Defendants, deposes and says.