To the First, Knows the parties to this suit.

To the Second.

Was not well acquainted with price of lands in the year 1825 but knows that lands were low all about that time, and thinks this land was worth upwards of $40 per acre. Can't say what the mountain tract was worth. Andrew New Comer's farm was a first rate farm, well watered and well improved

To the Third

Cannot say from his own knowledge how the debts of Andrew New Comer were paid. Was not a creditor but his (Deponents) father was a creditor by note of Andrew New Comer, but can't say how that note was paid or who paid it.

To the Fourth.

Knows nothing Except from hearsay. Was not present when it was done.

To the Fifth.

The said lands always remained in Andrew New Comers possession as far as this Witness remembers; and he exercised acts of ownership over them up to the time of his death; Except the parts that were sold off to John Funk and others

To the Sixth.

Knows nothing about John Funk's renting. But knows that Christian New Comer brought wheat to Witness's Mill and he said he had taken his fathers part of the grain to Dough's Mill and that the grain he was delivering was his own share. Witness does not know what share he was entitled to. Never asked him and if he was ever told has forgotten. This was after Deponent left Hagerstown in 1840 and 41. that the wheat was brought to Deponents Mill: Most of his grinding was done at Dough's Mill.

Exception

To the Seventh

John Funk had bought the 80 acres of land referred to by another Witness before he went to live where he now resides and before the Deeds "A & B" Can't say what was his pecuniary condition Does not know how long he lived on the 80 acres or how much he paid for it, does not know Exactly when the said 80 acres were sold. Knows that afterwards and before Funk the Complainant went to live where he now resides that the said 80 Acres were sold but can't fix the date. Witness received his Wife's share of Samuel New Comer's estate same time between the year 1823 and 1826, and this 80 acres constituted a part of what was the said Samuel New Comer's estate before his death. After the sale of the said 80 acres John Funk had no real estate until he bought the lands on which he now resides and which he got from Andrew New Comer and all the property Witness knows he had farming stock. Can't say whether he had money at interest or not or securities. Witness had very little opportunity of knowing the condition of people at that time; was confined to the Mill until 1828.

To the Eighth

Does not think from the character of Christian New Comers mind that that he was qualified to settle his fathers business without the aid of some other person. He cannot understand any intricate business. Does not know whether he can read or write. On reflection the Witness says he thinks he has seen

Exception

Christian New Comer write his name. His mind is of a low degree. In his settlements with this Witness he generally deferred and Referred to Witness. Does not think he can calculate interest. Judges this from the character of his mind. His education &c. Knows that he cannot calculate interest from the character of his mind though has never seen him attempt to do it. He attended to the ordinary business of his farm before his Son grew up, and Witness is under the impression that his Son has superintended the farm since he has grown up. Does not know whether he confided in John Funk in the settlement of his fathers business or not but knows he must have confided in some body as he could not do it himself.

Exception

To the Ninth. Knows nothing.

To the Tenth.

Knows nothing Except what Andrew New Comer said. Witness went to write Andrew New Comers Will, and asked him (Andrew) if he owed any money. He said in reply, that he had paid off all his debts that he owed owe Except John Funk and Christian New Comer. That he owed John Funk about $1100: and that he owed Christian New Comer about $800. and some other small debts to others.

Witness inferred from what he said that he had had a settlement with John Funk and Christian New Comer and that he had given them notes for that amount. This took place when Witness went to draw Andrew New Comers Will and was not long before his death.

Exception

To the Eleventh. Knows nothing further.

Andrew New Comer, Witness aged twenty five years, and son of Christian the Defendant, having been produced by the Defendants and sworn and Examined to the said Interrogatories, deposes and says.

To the First. Knows the parties to this suit.

To the Second.

Knows the said lands but is too young to know what they were worth in the year 1825 or thereabouts.

To the Third and Fourth, respectively, says he knows nothing.

To the Fifth.

The lands mentioned in the Exhibits "A & B" were in the possession of Andrew New Comer ever since Witness can recollect anything. His possession was the same as that of all other persons who own lands and Witness did not know that any other person had any thing to do with it. Andrew New Comer paid the taxes on it and if he wanted to sell any thing he sold it and received the money for it. Witness never knew that any other person had any thing to do with the farm until after Andrew New Comers death. Did not know of the existence of the Deeds until after the death of Andrew New Comer Deponents father, Christian the Defendant, paid the taxes from the time of Deponents earliest recollection down to the time of Andrews death. Christian New Comer the Defendant, and the said Andrew lived on the farm, but in separate houses until a few years before the death of the said Andrew New Comer when they lived together. Never knew that John Funk or Christian New Comer claimed or exercised ownership over the said farm. Witness speaks of that part that had not been sold off and which remained in the possession of Andrew New Comer and in the possession of which he died.