place is a very fine farm; always looked upon it as the finest farm in the neighborhood considering water, buildings, meadows and conveniences generally. Lands in the years 1825. 26 & 27 were low. Thinks that this farm of Andrew New Comers sold at any time along there have brought about fifty dollars per acre. Thinks the mountain land in the year 1825 and along there was worth about $25. There is a great diversity in the quality of mountain land but knows this mountain tract well. Witness bought a small tract of mountain land (20 acres) adjoining this and as good and no better than this in 1825 and thinks he paid $25. per acre for it. Knows of a tract of mountain land bought about the same time for $11. per acre. It adjoined a lot bought by Mr Fanny about the same time for which he paid $40. But the lot or tract bought for $11. was a poor tract or lot; it was a corner cut off. New comers tract had a house on it.

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

To the Fifth.

The lands mentioned in Complainants Exhibits "A & B" remained in Andrew New Comers possession from the time of his fathers death up to the time of his own death. Andrew had three children and he always remained in possession of the lands. He managed the place when he was not single; his father was away a great deal; and after he (Andrew) married he continued to reside there. He built the stone house and the stone barn now on it, before the deeds marked "A & B" were executed and he continued to reside there till his death. Never knew that any one claimed possession but until after John Funk his son in Law moved on the part that he now owns and where he now lives and built a house there. Andrew New Comer continued in possession of the balance of the lands just as he did before. Never saw any other person in possession or claiming ownership over it.

To the Sixth

Knows nothing.

To the Seventh.

John Funk milled for his father in the year 1817 at the mill now called Doub's Mill. His father became embarrassed in consequence of purchases in Montgomery County and lost about $20,000 (twenty thousand Dollars) and his property was sold; he reserved part of his property however and built a house on it, which house John Funk now owns. Knows they must have lost a great deal of money at milling because he knows that they paid $2.87½ per bushel for wheat which was the highest price there (caused by a famine in Germany) and flour fell from $16. to $8 per barrell in about two weeks afterwards or at most before they (the Funks) could grind out what they had in the mill. Witness saw the quantity they had in the mill and thinks there must have been 2000 bushels in one pile and saw quantities in other garners. Seeing these things occasioned the Witness to remark at the time that he would not take the wheat off their hands for $2000. Deponent himself was a Miller at that time but had stopped buying. Heard Samuel Funk say that in consequence of these things he was obliged to sell his lands. Can't say what Samuel Funk was worth after he had sold out; he reserved sixty acres of land and built a house and barn

on it. Samuel Funks wife was Deponents Step mothers Sister, and heard them say that they were glad to have a place to live on. Can't say what John Funk was worth when the Deeds marked "A & B" aforesaid were made, but thinks he was not in a condition to pay Andrew Newcomers debts at that time, but he was an industrious hard working man; he wagoned and did every thing he could to raise money after he had moved on his father in laws land. This was his character before he went on his father in laws land. They were all thriving, industrious men.

To the Eighth.

Always looked upon Christian New comer as not capable of managing any difficult business. His Wife managed the farming business more than he did. His Sons are now grown up and they manage the farm. Does not think him qualified by knowledge or experience in business for the settlement of his fathers debts. Does not know that he was controlled by John Funk in that business but knows that he could be guided by almost any body.

Excepted to

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

John Horine. a Witness sixty Eight years old produced by the Defendants having sworn and examined to the said Interrogatories deposes and says

To the First.

Was known the parties to this Suit from his boyhood up.

To the Second.

Knows the lands mentioned and described in complainants Exhibits marked "A & B." The home farm was worth $50. in the year 1825 or there abouts. Witness in the year 1827 bought a farm about a mile and a half up the Creek from this farm and paid $26.50 per acre and after wards put improvements on it, and his (Deponents) farm when thus improved cost him more than $50. per acre and the improvements he put on his were not as good as those that were on the New comer farm; and if the New comer farm had been for sale at that time witness would have paid $50. per acre for it. It had the advantage over his farm of a good spring of water. Deponents farm was without improvements when he bought it. The fences were in a very bad condition. But the House and barn alone would have made more than the difference between the price Witness gave for his farm. And the price he values the New comer farm at that time. Witness commenced repairing his fences immediately and put up his barn about 7 years afterwards and built his house about fourteen years ago. As to the value of the mountain tract not having seen it for many years before the year 1825 and its price depending on the wood. Witness says he is not prepared to say what it was worth per acre in the year 1825.

To the Third and Fourth. Knows nothing of his own knowledge.

To the Fifth.

The said Real estate and lands remained in the possession of Andrew New comer after the time of the execution of the Deeds marked "A & B" aforesaid just as they had done before, the execution of them; and this continued as far as Witness knows up to the time of the death of Andrew