The Witness states further that he was present when the Deed marked "B" among Complainants Exhibits was made. Is not sure that Christian New comer was there. Henry Landis was dead. Henry New comer John Funk Witness brother Andrew and Witness himself were present when the deed was made. John Wetzel was getting old. Henry New comer was getting old. Henry Landis was dead and they all wanted to put it in John Funk's and Christian New comers hands. Witness knows nothing more about the circumstances.

To the Fifth.

The lands mentioned in the deeds remained in Andrew New comers possession after the execution of the said Deeds or until the death of the said Andrew. Witness never heard any complaint, Andrew farmed it and held and kept it as he had always done before. And Witness never heard anything to the contrary.

To the Sixth.

Never heard anything of any rents by either Christian New comer or John Funk after the execution of the Deeds. Knows nothing of his own knowledge as to shares of the meadow. Heard Andrew New comer not many years before his death say that he had given the farm up to Christian his son to farm on the shares and he said he had quit farming. Thinks he said that Christian was to give him the two fifths. Christian had always lived with his father and worked on the farm. The farm was still under the control of Andrew and he directed Christian how to farm it. Witness was often there and heard Andrew giving his son Christian directions. Heard him giving directions after Christian had rented it. This was three or four years before the death of Andrew. Judges too that Andrew had the control of the farm because Christian was not competent to manage it.

Exhibit 6

To the Seventh.

Knows nothing about Funk's money affairs but does not think he was in a situation with money to pay Andrew New comers debts.

To the Eighth.

Christian New comer the defendant has a very poor mind. He has sense enough to act the honest man. Thinks him a man who don't want to take the advantage of any body. and thinks that Christian supposes nobody would take the advantage of him. Does not think him qualified by knowledge or experience in business to settle his fathers debts. Thinks (from his own expression to Witness) that he did confide in John Funk in that matter. Witness was in conversation with Christian and asked him about the business, 'how they came on with it;' and how was it; and Christian replied that he did not know how it was, that John Funk did the settlement, that he thought that whatever he done was all right. That Funk would do nothing but what was right. He seemed to have that confidence in Funk. Witness himself advised Christian to let Funk settle as he thought he would carry it on all straight. This was after the death of Andrew New comer and the above conversation was in relation to the sale of his personal estate.

Exhibit 6

To the Tenth.

Knows nothing about it except what Andrew New comer told him. And Andrew told Witness that lands had been sold off to pay the debts with.

Exhibit 6

Witness knows that tracts of land were sold off. One tract of land was sold to John Funk after the deeds was made one was sold to Jacob Snavely, and thinks one tract was sold to Daniel J. Funk. John Stover bought some. Thinks the mountain land was sold but does not know to whom. Does not know how much money was raised or whether it went into John Funk's hands or whether it went into his hands or not.

To the Eleventh. Nothing.

To Special Interrogatories by Defendants Counsel to be propounded to David New comer filed with the Commissioner after the Examination in Chief had closed and herewith returned marked "D.N."

To the First

Is acquainted with the hand writing of Andrew New comer. Has seen him write often. Went to school with him and has transacted business with him. Witness looks upon papers now shown him and herewith returned marked respectively "J.W. No 1." "J.W. No 2" and "J.W. No 3" and says after examining them that they are in the handwriting of his brother Andrew, and that the signatures are in the handwriting of the said Andrew. That the Copy of the paper marked "J.W. No 1" is in the handwriting of Andrew New comer. And that the signatures to "J.W. No 2" and "J.W. No 3" are in his Andrew hand-writing also. Witness looks upon papers now shown him and herewith returned marked "D.N. No 1." "D.N. No 2." "D.N. No 3." "D.N. No 4." "D.N. No 5." "D.N. No 6" and says the hand writing there is in the handwriting of Andrew New comer together with the endorsements on the back of them. Looks upon the other papers now shown him marked "D.N. No 7" and "D.N. No 9" and says they are not in the hand writing of the said Andrew but that the figures on the back of "D.N. No 7" are in his hand. Looks on paper now shown him marked "D.N. No 9" and herewith returned and says the following up is in the handwriting of the said Andrew. together with the endorsements on the back thereof. Looks also on "D.N. No 10" and says that it is in the handwriting of Andrew New comer and that the Witness then to Henry New comer whose name is written in German, is dead. And thinks the Endorsement on the back is in the hand writing of Andrew New comer. Witness looks upon a paper now shown him filed in No 1177 in the Circuit Court for Washington County sitting as a Court of Equity and marked Exhibit "A" in said cause which is a note dated the 18th day of April 1847 given for $1105.23 (One hundred and five dollars and twenty three cents) to be paid to John Funk and says the signature thereto is in the proper handwriting of Andrew New comer. Often visited Andrew New comer after the Execution of the said Deeds; was there hundreds of times and they were always very intimate together; visited him up to the time of his death. Andrew New comer remained in possession of the said lands mentioned in the said Deeds, except the parts therein sold off from the date of the Deeds up to the time of his death. He remained Exclusively and uninterruptedly in possession of the lands up to the time of his death, always claiming title to them as his own. Never heard anything to the contrary. Andrew said he had all his lands paid for. He said that he owed not only except $800. (Eight hundred Dollars) to Christian New comer and a note of $1100. (Eleven hundred Dollars) to John Funk. This was in May before his death that he said these things. The day after the funeral of Andrew New comer and after the Will had been read (Witness had stayed all night at the House) and in conversation