part of the dependent being first duly sworn deposes and says.
About the month of June or July last witness was called in to see the wife and child of Mr. Hummer who then lived in the property in question after an examination of the cellar witness ascribed their illness to the condition of the cellar. There was a considerable quantity of water in the cellar with mud and wood dirt the surface of the cellar was covered with water with the exception of a few little islands composed of this dirt.

John Herd a witness on the part of the Deft being first duly sworn deposes and says. Schott told witness after the sale of the property in question to Hummer that by the agreement between Hummer and himself Hummer was to pay him $400 in cash and was to raise the balance by Mortgaging the property to the Building Association which was to give him $1200 on the Mortgage

W. H. Corum a witness on the part of the Deft being first duly sworn deposed and says. Have known this property ten years. Always knew water to be in the cellar and have seen water running out of the cellar window am a carpenter by trade. Think I am a judge of the value of property. This property is a store and dwelling. In witness opinion the property is damaged by the condition of the cellar to the extent of $5.00

Cross Examined.

Do not own any houses in that neighborhood. Do not know the value of the Ground.

Thomas Blow a witness on the part of the Deft. being first duly sworn deposed and says. Have known this property for the last seven years and have lived across the street from it. The cellar has been wet up to the time Hummer filled it up and and the water is now working its way up through the filled in dirt. The last time I saw it the water was at least twelve inches deep.

Cross Examined

Witness has seen the cellar twice since he has been there but has seen the water bailed out several times.

Octr. 29th

Philip Burn a witness produced on the part of Complainant being first duly sworn deposes and says I know the property in question I am a well digger and cellar drainer some five or six years ago being employed by Schott I dug a well under the pavement and dug sewers all around the cellar for the purpose of draining the water into the well and after that the cellar was perfectly dry. The ground around there is so low that many of the cellars through they have wells to drain them will in cases of very hard and long continued rains get water in them but in a short time they will drain off again and get dry. (Cross-examined.)
I have never seen the cellar since the well was dry. The bottom of the cellar was dry. The cellar wont get any water in it unless

the sewer gets stopped up or the well gets choked.

October 30th

John W. Schopps a witness on the part of Complainant being first duly sworn deposes and says, I know the property in question I was last week authorized by Schott to go to Hummer and offer to purchase the property I went in and asked him if he would sell the property and he said no he could'nt sell it, it could not be sold. I then asked him if he could make something on it would'nt he sell it and he said no "it cant be sold" I was authorized by Schott to give Hummer $1250 for the property and if he would'nt take that to give him $1300. I own property in that part of the City and consider myself a judge of the value of property having worked at Carpentering five or six years. I would not sell the property in question for less than $1500 if it were mine (testimony in reference to an offer to purchase objected to by Sol for defendant) I do not think that the place would be worth much less without a cellar a place like that being fee simple and clear.

Cross Examined

If the property belonged to witness he would almost as leave have it without a cellar as with it.

Henry Eckert a witness on the part of Complainant being first duly sworn deposed and says I am a carter in September of last fall Schott employed me to clear out the cellar of the property in question, at that time it was dry, saw no water

(Cross Examined)

Never saw any water in the Cellar. John Eckhert a witness on the part of Complainant being first duly sworn deposes and says

I am a son of the last witness and helped him clean the cellar at the time spoken of by him. It was dry at that time

Cross Examined

It did not look as though it ever had been wet never saw any water in it

H. L. Paul a witness on the part of Complainant being first duly sworn deposes and says. I know the property in question I own property in that section of the City and am acquainted with the value of property. I think the property in question is worth about $1500 Hummer on being asked by me what he would take for the house said $1800 to which I replied that that seemed a little too high he then said if he could'nt make some profit he did'nt want to sell.

Philip Junker a witness on the part of Complainant being first duly sworn deposes and says.

I know the parties to this suit I had a con-