Answer. There has been sharply cut and hauled out.
Question. Does that property produce timber suitable for rail road ties? and if yea about how many had been produced?
Answer. It is very suitable for that purpose but how little or how many the Day can sold I am not able to say, nor can I say how many or few have been made. I have no recollection of ever having seen any made on the place
Question. Do you know who paid for the improvements to the dwelling house of your own knowledge?
Answer. Edwin Withers as far as I have any knowledge
Question. Did you never see him pay anything?
Answer. No sir.
Question. Did you ever build a barn or have one built?
Answer. I have never had one built.
Question. Did you never see Edwin Withers pay for the cost of the barn & fencing?
Answer. No Sir
Question. Do you know whether the other parties in interest contributed to these improvements?
Answer. I dont know.
Question. In your estimate of the fencing did you mean that it would cost $3000. if the rails and posts were already on the place?
Answer. Yessir
Question. What do you estimate the rails and posts in such fencing to be worth per thousand?
Answer. They are worth five dollars and a half to make them per thousand and then there is the hauling.
Question. How much the hauling?
Answer. Two dollars and a half per thousand.
Question. What is it worth to put up such fencing by the panel?
Answer. To clear the ground for the fence and complete the fences with double riders it is worth $2 50 per thousand more.
Question. How many panel of fencing have been put up on the Withers Estate since the death of old Mr. Withers?
Answer. I am not able to say the exact amount
Question. In speaking of the cost of the fencing did you mean to say that $3000 had been actually expended by Edwin Withers or was it only a supposition upon the presumption that 50000 rails had been used?
Answer. It was upon the presumption that the quantity stated had been used.
Question. Do you know of any sales of property in the neighborhood of the Withers Estate made within one year previously to October 1861 and if you state what they were and the prices?
Answer. I know of none except a lot of woodland that was sold

the wood off of it. I know of no sales of land made.
Question. Do you know of any sales of land in that neighborhood since October 1861?
Answer. There was one place. Nelson Gullens sold his about three miles from Mr. Withers property but what it brought I cant say
Question. In estimating the price of Lots Nos 7 & 8 did you mean the auction price or at private sale?
Answer. I had not reference to either private or public sale but only that it was worth what I stated
Question. Are you a property holder in the neighborhood of the Withers property and if yea state where and how much land you own?
Answer. I am a property holder and reside at Stablersville and own three acres and three quarters there and in the 6th Election District. I own a fraction under 30 acres

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Adjourned to meet again at 4 o'clock P. M

Dominick D. Burke, a witness heretofore produced sworn and examined on the part of the Complainants being now further examined in chief behalf deposes and says.
Question. Did you know Michael Withers Sr. the father of Edwin H. Withers?
Answer. I did.
Question. What was the condition of the Withers Estate in reference to improvements upon it at the time Edwin D. Withers undertook its management (Objected to by defendants)
Answer. When I first knew the property in 1852 the meadow land in Lot No 8 needed draining very badly and during the fall of 1852 a sum of one hundred dollars was expended in ditching and subsequently sums amounting to about seventy five dollars was also expended in ditching. In 1855 a large Barn was erected on the Home Lot No 8 and also a Lot of fencing put up around several fields of the farm.
Question. Has it been manured to any extent by Mr. Edwin Withers?
Answer. I cant say the exact quantity of lime he put on, but I have seen lime in two or three fields and I have also seen some guano.
Question. Was the arable portion of the Withers Estate in good condition in reference to manure in 1860?
Answer. There were some fields that would produce an excellent crop if attended to in time.

The said witness D. F. Burke. Here desires to add to his testimony