

Q What was said about the real estate, if anything; did anybody mention any real estate then?

A I don't think they said anything about real estate.

Q Was there anything said about the deed?

A Yes, Horace stopped down and said they had a deed for Everett's place and poked right down in his satchel.

Q He didn't say anything about it and you didn't see the deed at all, did you?

A No, sir.

Q When was it you first learned they were claiming it was Everett's property?

A When they made administrator out of him.

Q That same night? A. Yes.

CROSS EXAM. BY MR. McSHERRY:

Q Mr. Moxley, did Everett use the entire tract of land?

A Use it?

Q Yes; did he cultivate it or pasture it or what?

A No, he just put corn in the bottom. The balance was pastured.

Q Did he pasture the 12-acre parcel?

A Yes, pastured 12 acres.

Q And he had a garden on that?

A Yes, he had a garden on that.

Q Was there any cultivation done on the 12 acres? Did he put corn or barley out on it?

A Yes, four acres next to the railroad he cultivated in corn. He put that in corn one year I was there.

Q. Everett told you the property was not for sale; is that what he said? A. Yes.

Q When you moved there in 1939? A. Yes.

Q In other words, you asked Everett if he would sell it?

A I asked Everett if he would sell it. He said, no, it was not for sale and couldn't be sold. That is true, too.