Jr to divert & use the water flowing thro said farm, and referred to the Petition of Henry Carter existed, the said property would not have sold for as much as it brought by $1000. to 1200 dollars Witness thinks that the said right to divert & use said water by said Tyson detracts from the value of said property sold. for its full value that amount. Witness thinks the said property sold for its full value, free of the incumbrance of said right to divert & use said water. In the Spring of the year 1852 the said Tyson caused a race, or ditch to be dug to divert said water from the original Channel where it was then flowing

Francis S Jones - a witness of lawful age duly sworn deposes & says, that he was present, at the sale of the Real Estate of Dennis Howard, mentioned, in the Testimony of Allen Paw Jr. which he (witness) has heard. That Thomas Carr was the auctioneer That said Carr stated that said property was offered free clear & unincumbered of all incumbrances except some growing crops and that the Public Roads running thro the farm were to be included in the quantity of Land to be sold. when it should be surveyed, That the property was offered for sale on the Conditions, and a clear title would be given. The Trustees Dennis H Maynard and Dennis H. Hammond were present. That thereupon Henry Carter became the highest bidder & purchaser of the farm at 55$ pr acre. Thomas Carr - a Witness of lawful age deposes and says that he was employed by Dennis H Maynard, and Dawson V Hammond as auctioneer of the sale of the Real Estate of Dennis Howard dec^d on the 6th day of August 1851 That when the farm which was purchased by Henry Carter was offered at Public sale. The deponent announced to all persons present that the said property was offered clear and free from all incumbrances, and would be sold - and that there would be no difficulty or dispute about the Title, and that a deed would be given clear of every incumbrance That this deponent was emphatic in his declaration that the said property was to be sold free of all incumbrances or disputes except some growing crops That thereupon Alexander Paw, and the said Henry Carter became the bidders for said Property and they were the only bidders and Henry Carter was the highest bidder, and became the purchaser of said Property at $55 per acre.

At the time of said sale this deponent intended to sell said property wholly disincumbered of the right by Isaac Tyson Jr. to divert & use the water flowing through the farm, and designed to make the impression, upon the bidders, that no such right existed He was not aware that such a right did exist, and certainly conveyed, and intended to convey - to the bidders for said property, the belief that no such right did exist The said Trustees were present at said sale, and heard the statements made by this deponent may & most probably did apply to them for confirmation