No. 4242 Equity

3d Interrogatory.— Do you know the land mentioned in the 2d Report of Sales filed in this Case?

Answer:— Yes Sir.

4th Interrogatory:— What is a fair value of the same?

Answer:— It is worth between $700 & 800$ It has for some years rented at $65— per Annum.

5th Interrogatory:— Did you ever have any conversation with Joshua J. Zimmerman about a sale of this property? If yea, give it?

Answer: I had last Spring. We were plowing for corn & he came into the field and asked me, who authorized me to plow. I told him, that I was plowing for my mother. He said, it was no use to plow, the property was sold. I asked him, "Who to"? He said, "That's a secret. On the Sunday following, his son Joseph came over and told me, that he had bought the property where she lived, as well as the property mentioned in this Report of Sales, and she said, "Where will I move"? And he said, "Well we will find you a place".

Testimony

6th Interrogatory: What acts or sayings, do you know that Joshua J. Zimmerman said or did in reference to the property, of which he & Shellman are trustees?

Answer: Over here in the Court House, when she went to appoint a trustee, she told Daniel J Shellman, that we didn't want Joshua J. Zimmerman as one of the trustees, and Shellman said to her, "that she should take him, he was her brother, so that when he couldn't come up here, Zimmerman could attend to what he couldn't attend to"— She objected to it from the first, and at last he persuaded her, and she consented with an understanding, that Zimmerman should sell, or offer for sale, a farm that he held as her guardian — and just as soon as she signed the papers he said, "he wouldn't do it," he had her just where he wanted her". Then the week following Uncle Joe Zimmerman, came over, and in my presence, told Joshua J. Zimmerman, "that he would buy the Mountain farm and that he would give him a fair price for it. and that he should save the home farm"— "that he should sell the other two pieces of property and, if there was any more money wanting, that he would furnish the money, or would see that it was gotten— In a few days after that, Joshua J. Zimmerman, came up to my house. I was butchering some hogs & he told me, the farm I lived on was sold for $450— an acre, and I asked, "What?" And he said, "That was a secret," and then we got to quarrelling, and we had a falling out, and I told him, "I wouldn't leave the farm"— I heard him, a half a dozen times say, "that land was depreciating and hadn't began to get as low as it would be, and I heard Uncle Dan. Shellman stop him and tell him to hush, that he oughtn't to talk that way.

Testimony

To Cross Interrogatories filed with the Commissioner by the Trustees I hereunto, returned, the said Francis M. Fraley deposes and says, to the

1st C. Interrogatory: Who was Joshua J. Zimmerman talking to, when he said property was depreciating, as you have testified, and when and where was it?

Answer: Over where I was butchering at home — Charles Stevens whom I raised and who is a member of my family & myself were present; and about a year ago, under the tree at Mr Potts' corner. I and John W. Rice and a young man whose name I can't recollect were present, and there were a dozen other times that I can't recollect.