

No. 444 Equity.

testified in chief; if you, why did you not so testify?

Ans. I did know it when I testified in chief; well, they did not ask me the question; they only asked me if I gave James A. Orndorff two notes, and I said I did, then they asked me, "what was the notes given for," and I told them they were given for my sister's legacy.

To the redirect interrogatories filed with the Commissioners, by the complainant, and herewith returned, the said Josephus A. Orndorff deposes and says:

To the 1st R. W. Sub. From whom did you purchase said home farm?

Ans. I purchased it from the heirs—my brother, my sister and myself, were the heirs.

James A. Orndorff, a witness of lawful age, produced upon the part of the complainant to cross-interrogatories filed with the Commissioners by the defendants, and herewith returned, deposes and says:

Cross examination of James A. Orndorff

To the 1st C. Sub. To the 27th int.—in chief, you were asked, from whom did you get the money to pay for said property, (that called and spoken of as the Wagon property,) and when did you get the money; give an exact and full statement of all the facts attending the purchase of said property, and of all that occurred between you, your wife, Mary E. Orndorff, and her father John Orndorff, of any thing, at or about the time of your marriage, or at any time, in relation to said property; and if any thing occurred, state the time when?

Ans. Before my marriage, I had contracted for the purchase of the Wagon property for two thousand dollars, (2,000;) I assumed the payment of a mortgage for seven hundred dollars, (700;) I was to pay thirteen hundred dollars (1,300;) in money; I paid nine hundred dollars, (900;) and owed four hundred dollars, (400;) at the time of my marriage.

The witness here, complaining of being too small to proceed with his testimony, the said Commission was adjourned to the 24th day of January, A. D., 1872, at 11 O'Clock, A. M.; at which time, and at the place aforesaid, the said commission was adjourned to the 31st day of January, A. D., 1882; at which time the defendant was duly notified; at which time, and at the place aforesaid, the said commission was adjourned to the 7th day of February, A. D., 1882, of which the defendant was duly notified; at which time, and at the place aforesaid, the said commission was adjourned to the 9th day of March, A. D., 1882; at which time, and at the place aforesaid, and in the presence of the solicitors for the complainants and defendants, I, then and there proceeded to take the following testimony, to wit:

The said James A. Orndorff in continuation of his answer to the 1st Cross-int., produced upon the part of the defendants, further deposes and says:

At the time of my marriage, my wife, and my father-in-law, John

Cross examination of James A. Orndorff