

in question. Before Seth died he sold the property as security to Josiah Miller. My brother Seth and I executed a Quit Claim deed to Josiah Miller (Exhibit A.) dated 17th. Jany. 1896, the consideration being Forty Five dollars. As I had an interest in the property Seth could not sell it without my joining. I claimed half the undivided interest in the property before Seth died. The money Josiah Miller gave was paid to my brother Seth but I received none of it.

I paid the Forty Five dollars, with interest, making in all Fifty One dollars & Thirty Five cents (\$51.35) and received from him a Quit Claim deed dated 13th. November 1897 (Exhibit B). I have been living on this property since a year last June..

Cross Examined by Mr. Bowlby..

Q. Did Seth claim the whole of this land when he was living.

A. No he never claimed the whole of this land.

Q. Do you know when Seth and your mother made a will?

A. No. I do not know anything about it.

Q. Did anybody on behalf of these boys, Jacob & John, offer you back all the money you paid, with interest at 10%?

A. Yes. Jacob offered me the money and I refused it.

Q. Did you ever hear of a will being made by your mother of this property?

A. No I never heard of any will until now.

Q. Did your mother tell you what interest you had in the land?

A. My mother always told me that I have a half interest in the property.