but three times in his life that Edward Hazel brought said Nicholls before him this deponent to swear to a bill in chancery against Howard Duvall that this deponent having heard of said Nicholls asked him some common questions before he would tender him the oath which he answered as any ignorant man would do and in an ignorant manner after which this deponent did administer an oath to him the said Nicholls— This deponent does not know that Edward Hazel brought Philip Nicholls to him, but that Hazel and Nicholls came in company together— Do you think from your recollection of Nicholls on the day that you saw him and to which your evidence applies that he was an Insane man? Did he answer your questions like a fool? He answered like a common ignorant man— Did he answer them with reason and understanding— He answered like a common ignorant man—

This cause standing ready for trial and being submitted to the Court upon the bill answer and depositions and arguments of counsel and the Court having maturely weighed and considered the same. It is thereupon ordered, adjudged, decreed and determined by this court this ninth day of September in the year of our Lord eighteen hundred and six that the said Philip Nicholls the alledged testator at the time of the alledged signing and sealing the instrument of writing in the bill and answer aforesaid mentioned was not and never was from his childhood of sound and disposing mind and memory and capable in Law to make a valid will and testament. Whereupon it is further adjudged and decreed by this court that the said instrument of writing mentioned in the bill and answer aforesaid purporting to be the last will and testament of the said Philip Nicholls is not proved according to law and that the said will cannot be admitted to be recorded in this court— And thereupon the said Edward Hazel by his attorney aforesaid prays that he may appeal from the decree and Judgement aforesaid of the Court here so as aforesaid rendered, to the high court of Appeals and to him the same is granted by the court here and it is thereupon ordered by the court here that a record of the proceedings aforesaid, with all things thereunto relating be transmitted to the High court of Appeals of the state of Maryland—

And now at this day, to wit, the second tuesday and fourteenth day of october in the year of our Lord eighteen hundred and six at an orphans court of the County aforesaid held at Upper Marlborough down in said County the said Edward Hazel by his attorney aforesaid appeared in the said court and filed the following petition, to wit,

(Jacob)

Jacob Dicus vs. Edward Hazel } In the orphans court of Prince Georges County— The petition of Edward Hazel to the Justices of the orphans court of Prince Georges County humbly sheweth that since the decree was made in the above cause by your Honors he has discovered that there does exist testimony which if it had been adduced at the hearing of said cause that your honors would have made a different Decree and that at the time of the trial of said cause he did neglect to summon Witnesses whose testimony would in the opinion of your petitioner have warranted a different Decree— And your petitioner further states that at the former trial he intended to have summoned Waller Bowie and others but that they were summoned by the complainant in this cause and which witnesses did never appear— the testimony of the said Waller Bowie and others your petitioner begs leave to state if it had been obtained would have established Philip Nicholls to be of sound disposing mind and memory— In tender consideration of the premises your petitioner prays that your honors will open the Decree and admit further testimony &c. &c. &c.—

Philip J. Baker attorney for Defendant personally appears Edward Hazel and makes oath on the holy Evangely of almighty God that the above facts are just and true according to the best of his knowledge and belief— Sworn to in open Court

Test. Truman Tyler Register.

Whereupon the orphans court here having considered the said petition and mature deliberation being thereon had. It is ordered and adjudged that the decree aforesaid be opened and that such further proceedings be had in the premises as to Justice appertains and thereupon day is given by the court here to the said parties until the Wednesday after the second tuesday in December next— At which said Wednesday after the said second tuesday in December being the tenth day of the same month in the year last aforesaid the parties aforesaid by their attornies aforesaid come here again into the orphans court aforesaid and thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the court here thereon is continued until the second tuesday in February next—

At which said second tuesday in February being the tenth day of the same month in the year of our Lord eighteen hundred and seven comes here again into the orphans court aforesaid the said Jacob Dicus and the said Edward Hazel by their attornies aforesaid — And thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the court here thereon is further continued until the second tuesday in

(April)