stated, and soon afterwards relapsed into the same sleepy state. on the monday night after the execution of the will the witness sat up with the testator in company with Mr. Stone The testator was not delirious, and asked for drinks as he wanted them. He was frequently calling for the servant by name to bring the bed pan, and would exclaim, that he could not stand it He did not attempt to converse nor did the witness or Mr. Stone hold any conversation with him except what might be induced by the circumstance of his asking for drinks and calling for the bed pan as before mentioned, when his bowels troubled him. The testator when he wanted drink called on the Witness or Mr. Stone (but generally for Mr. Stone) by name The Witness & Mr. Stone sat, for the most part in a small room adjoining (he the one in which the testator was confined). The witness sat up a part of another night - he thinks the friday or Saturday night following He was not capable of discerning any change in him except what might be the natural consequence of a more protracted illness The witness supposes the testator to have been about thirty three or four years of age. The Witness never had any other conversation with the testator except as before mentioned from which he could be enabled to judge of the strength of his mind, nor did the testator when the witness was present ever attempt to converse with any other person Doctor John Weems being again called further deposeth and saith.

Interrogatory by the Caveatee). If you had been asked whether the testator was in his senses at the time when he executed this will would you have answered in the affirmative or negative: answer - In the affirmative certainly since the sanity of the testator has been questioned, the Witness has been asked by Mr Stone whether he thought the testator was in his senses or not when he executed his will? and he replyed yes - He believed he was in his senses without making any further explanation The witness does not recollect at this conversation with Mr. Stone contrasting his situation at the time of signing his will with his situation at any other time He probably might have mentioned to Mr. Stone that he had set up with the testator the two nights preceding the day of his executing the will

and on those days he discovered more delirium than he did on the day when the will was executed - This delirium was not constant but increased or diminished with the fever - The Witness thinks that on those two or three days to the execution of the will, the testator was sometimes free from delirium He was oftener free from delirium than under its influence. During this conversation with Mr Stone as above mentioned the witness may have stated these circumstances to him, but he has no recollection of having done so - The witness recollects having had some further conversation with Mr. Stone at this time but cannot state particularly what it was. Mr Stone asked the Witness whether he ever had any conversation with the testator upon the subject of his will either prior to or subsequent to its execution to which he replied, that he had not - The witness supposes this conversation to have taken place about a week or ten days after the death of the testator at the time of this conversation the Witness had heard that the will of Mr. Jenifer would be contested, and he also so understood at the time from Mr. Stone In all conversations which the Witness may have had with any person or persons upon the subject of the mere sanity of the testator, the Witness had always replied that he was in his senses, but as to the point of his being capable to reason and to judge so as to be able to make a valid will, the Witness has drawn the distinction as mentioned in the early part of his testimony and thinks that he may have said that the testator was capable of making a will which he had previously arranged or determined upon - The Witness recollects having had another conversation with Mr Stone afterwards, at his Mr. Stones office about this will, but he does not recollect what passed between them at this time, nor does he recollect saying it was impossible to set aside the will except by alledging or proving fraud upon the part of Mr. Stone but has stated that he thought it a serious attack upon Mr Stone, as the mere attempt to set the will aside implied a fraud or undue influence on the part of Mr. Stone.

John Barnes aged about 16 years being duly sworn deposeth and saith that he has known Daniel of St Thomas Jenifer the