a bow and the balance of his Estate to them. She said that the old man had expressed some fear, that they had come too late. This conversation passed in the presence of the deceased, but he believes from the circumstance of the deceased's being hard of hearing he did not hear what passed.

(Note. The counsel for the caveattee objected to the evidence or declarations as given by Mrs Rebecca Davis to the witness, which objection was overruled by the Court).

Question by counsel for caveator. Did Mrs Davis prompt the deceased, while you were writing his will?

Answer, I do not recollect that she did, but while I was writing the will she frequently told her husband, and Mr Welch to be very attentive to the deceased.

Question by same. Do you recollect what the deceased was nursed with? was any liquor or ardent spirit given him to drink?

Answer. I do not recollect that any thing was given to him until after the will was written. I advised them not to give him any thing until after the will was written, afterwards there was some toddy given to him, and he then became fretful and complained a good deal: witness never heard any talk of employing a Physician, and does not know that any was ever employed. Mrs Rebecca Davis and Richard T Davis were constantly in the room, while witness was writing deceased's will. That there is only one room to the House below stairs; He believes Mr Davis sat at the fire whilst the old man dictated his will to witness, she went to the bed at times: but he does not think that she went there while he was writing the will.

Question by same. Do you recollect, was to have seen Mrs. Rebecca Davis at the deceased's before that time?

Answer I never did see her there before.

Question, by same - Who was present at the time you wrote this will?

Answer. Richard T Davis and his wife, Rebecca, and Richard Welch and myself were all that were present at the time of writing the will, the subscribing witnesses came in afterwards no enquiry was made about his other children.

Question. Did the deceased appear to be in a sleepy drowsy state, while you were writing his will?

Answer he was still and appeared to be asleep, I had to arouse him when I had finished writing the will, to read it to him

Question by same - When you first arrived at the house of the deceased, did he recognize or speak to you?

Answer he did not. When I arrived there, some person in the house, either Richard Davis, Welch or Mrs Davis, informed the deceased, that I had come and after I went up to the bed side he knew me - He did not call me by name, but from conversation, I understood that he knew me -

Question by same - Did the old man either before or after the will was

written, hold any conversation with you or any person else, or seem to take any interest about his affairs?

Answer. No he did not; except in giving directions about writing his will. He asked me to be his Executor, which I refused.

Question by same - Was the deceased able to set up in his bed, or did he seem to be labouring under any active disease?

Answer. He was not able to set up in his bed, and did not appear to labour under any pain: but laid easy and composed.

Question by same. could the deceased see distinctly, or not?

Answer. I do not know. I directed his hand to make his mark to the will at the request of the deceased (as I believe) I do not know whether the deceased ever could write or not.

Question by same: Do you believe, that at that time the deceased was capable of holding a connected conversation on any subject?

Answer. I think he was - as much so as he had been for some months before. witness, thought the deceased during that period quite in his senses - He sometimes talked about trifling matters and appeared childish, but when he talked about business he was sensible.

John A Bowie cross examined -

Question by counsel for caveattee - Did you hear Benjamin Davis the deceased hold any conversation with any body and upon any subject whilst you was there?

Answer - I did not. He complained of the covering on the bed, and some other little things and seemed to talk in his senses -

Question by same. Was the deceased in a sleepy torpid state?

Answer - I did not think him torpid, he was sleepy and drowsy.

Hezekiah Ratcliff cross examined

Question by Counsel for Caveattee - Did you hear Mr Davis hold any conversation that night -

Answer - I did not, except some talk about his bed, he complained of the covering not being right, and a hard place in the bed.

Question by same - Could the deceased see distinctly or not?

Answer - I do not think he could, I believe he had some defect in one eye.

Question by same - Who called on you to sign the will as - witness, did Mr Davis or not?

Answer. Mr Davis did not. Mr Perry called me up to sign the will, which I did, (after he Perry had signed it). the deceased acknowledged it to be his will.

Question by same. could the deceased speak distinctly or not?

Answer. Some words he spoke literally plain and others not so much so -

Question by same - When the deceased signed the will, what did he say?

Answer. I never heard him say any thing at the time or after he had signed the will - Some time thereafter, he called upon me to assist him in moving