his cane was and asked him to get it for him. He complained of being cold, called witness by name and asked him to get something to wrap around him. The deceased was very emaciated and weak. He does not believe that the deceased knew him or any other person in the room except by their voices, as he was sure deceased could not see them. The room was very dark, the deceased was hard of hearing and spoke with some difficulty, and what he said could only be understood, after he had repeated it several times.

Question by Counsel for Caveator, was it in the day or night, and what hour was it that you visited the deceased?

Answer. Between twelve and one o'clock in the day - thinks on friday, the deceased died on the Monday following.

Question by same. Did you not state in your first examination that the deceased from the time you were first acquainted with him, was always incoherent and irregular in his conversation and that in the latter part of his life, he gave greater evidences of mental inability?

Answer - He would always from the commencement of my acquaintance with him, fly off in conversation and in the latter part of his life, he was much weaker than when I first knew him.

Question by same. You have before spoken of a conversation which took place between you and Mrs Rebecca Davis a few days before the death of the deceased, please state any thing that passed between you in that conversation which you have not already related.

Answer. Nothing more passed than what I have already related, except that she asked me once or twice, if the old man did not appear very rational, to which I replied that I thought he seemed to be as much so, as I had seen him for a year or two before.

Question by same. Did Mr Richard T Davis and Mrs Rebecca Davis, live with the deceased or not?

Answer. They did not live with him, but came to see him, as she informed me the night before the conversation with me above spoken of. And she told me that the old man told her, that he was afraid she had come too late.

Abraham Bowie a legal and competent witness offered on the part of the Caveattee being duly sworn deposeth and saith, that as well as he recollects some time in November last passed, he was at the house of the deceased, and being sent for by the deceased to perform a small service for him, while there, he (the witness) heard the deceased say to his son Richard T Davis that if he would come and live with him, he would give him at his death every thing he had after making sufficient compensation to Dick Welch & Nancy, for their trouble in attending to him, to which Mr Richard T Davis assented and promised that he would live with him. In regard to his daughter Jane, the deceased said he had given too much before to Mr Clements her former husband, and to his son Joseph he said

he would give nothing.

William Murdock a legal and competent witness offered on the part of the Caveattee, being duly sworn deposeth and saith - That in November last about the time of the election for Electors of President and Vice President of the United States, he went to see the deceased for the purpose of purchasing a beef of him, and upon looking at the cattle, saw some very fine young steers which the deceased refused to sell, stating that he wished to keep them for work oxen, but there was a Heifer which he was willing to sell, though after chaffering they could not agree upon the price. The deceased insisted upon being paid four cents per pound on the hoof, which witness thought too much and refused to give it, and deceased further stated that he ought to sell because he had not provender enough to winter them.

Question by Caveator. Please state if you were not sent for and did not go to the house of the deceased for the purpose of making his will?

Answer. Some time last fall, the deceased sent for me and Mr Foley to go to his House for the purpose of making his will and we both went accordingly. But when we got there, there was no paper nor was there any form by which to write the will, and while the Messenger was in quest of paper the deceased requested me to look in a certain desk in his house, where I would find some money, from which he requested me to take a quarter of a dollar and lay it upon the sill when written, which the deceased said would be for his son Joe, he intending to cut him off with that, and that it was necessary for that purpose that it should be put on paper. I found the money upon looking as directed, but the will was not written for the want of a form to write it by and of course nothing more was done.

Samuel Davis again examined by the Caveattee's Counsel - states that some time either in the last of September or early part of October 1818, He heard the deceased declare his determination not to give any part of his property to his son Richard T Davis - saying it would be for the benefit of Benjamin Davis, the son of the said Richard T Davis who had married a crow-thumper.

Question by same. Had you not some conversation with the deceased or did you not hear him say something about the killing of a snake?

Answer. Some time last fall, I was riding along the road with the deceased, when he discovered a small snake laying in the road, and he immediately set about killing it, at the same time saying "damn you, I have been a long time looking for you or something like you. I'll now kill you and I shall then conquer my enemies."

Ignatius Stewart a legal and competent witness offered on the part of the Caveattee being sworn deposeth and saith - That the deceased was frequently at his Store house, in Port Tobacco during the last summer and fall; and that on one occasion, he (the witness) mentioned to him, that his son in law Mr Welch had purchased of him (the witness) one or two gallons of whiskey, which he (Welch)