Answer: It is very much a matter of conjecture but I should guess that from the time I entered the room to the time of Mr Dyers death was from 15 to 20 minutes and from the time this writing was prepared to the time of his death only two or three minutes could have elapsed. the writing or will was not read over to Mr Dyer.

Question, by Counsel for Caviatter First. what was the situation of Mr Dyer, at the time of subscribing witnesses were affixed their signatures to this paper

Answer. He was alive when the first witness signed his name but was either dead or very nearly so. when the last witness signed it, which was my self He was senseless however from the time his mark was made as before stated by me.

Question the second will you state after the mark was made, what her you spoke to Mr Dyer or did any particular acts, or thing, to ascertain his situation, or was it merely your opinion from looking at him, that he was senseless;

Answer, I did not speak to him nor did I pinch him or pull him about but only formed my opinion from looking at him, as he had nearly ceased breathing, and in a very short time died expire.

Question the third — will you state whether or not you did not say the same Evening the will was written, and after Mr Dyers death that the will was a good one, and that he was as capable of making the will at the time of execution as he ever was;

Answer I have no recollection of any conversation with any particular person that evening, but will answer as I have stated before. that he was perfectly in his senses at the time I took his hand for him to make his mark. and my only doubts is, as to his state at the time subsequent thereto.

Question by Caviatter, Are you a physician, and how long have you been practising.

Answer I am a physician and have been practising for eighteen years afterwards to wit, on the fifteenth day of September Eighteen hundred & thirty four, to which day said case was further postponed, by order of the court comes as well the said Henry L. Mudd & Sarah Ann his wife by Nicholas Romanus Esquire their attorney aforesaid, as the said Thomas B. Dyer Alexander Dyer. Theodore Mudd, & wife Marsham Bowling & wife Augustus Birch & wife, and Ann R. Gardner, by William Pellmick Esq their attorney aforesaid, when the Caviatter offered to prove by a competent witness, that James Reeves one of the subscribing witnesses to the paper or will, in question who departed this life in Eighteen hundred and twenty seven or Eighteen hundred and twenty Eight made Statements or Declarations immediately after taking the oath, annexed to said will inconsistant with, and contradictory to said probate to the admissibility of which evidence the caviatters by their counsel objected, which objection the court sustained, the caviatter then further prayed the court to spread upon the record of specific declarations, made by said witnesses, of which he wished to give evidence, as above, which said declaration were stated by him to the court at the time of offering the proof to the admissibility of which proof the caviatter by their counsel also objected which objection was sustained by the court, It is admitted by the parties that the other two subscribing witnesses, to the paper or will

— in

in dispute are now dead. It is also admitted that Mrs Lucy O. Dyer the widow of Jeremiah Dyer is dead, and that she departed this life, some time in the month either in January or February in Eighteen hundred and thirty four last past, and that Mrs Ann R. Reeves a Daughter of said Jeremiah Dyer, and mother of the complainant Sarah Ann Mudd also died before Mr. Dyer, " The Caviatter here offered in evidence the last will & testament of Lucy O. Dyer dec^d widow of said Jeremiah Dyer — also the inventory taken by Thomas B. Dyer administrator De Bonis Non, of the personal estate of said Jeremiah Dyer, deceased, to the admissibility of which testimony the Caviatter by their counsel objected, which objection was sustained by the court, who refused to admit said papers to evidence and to be entered on the record of proceedings in this case, the caviatter also by their counsel prayed the court to have entered, on the record of proceedings the object for which they offered, said will and inventory in evidence, which the court also refused, It is here adverted by the court to be noted that the Inventory of said Jeremiah Dyer deceased as taken by Thomas B. Dyer, administrator De Bonis Non is filed in the register's office of Charles County — but not admitted to record or probat — The caviatter then offered in Evidence to the court the original will filed in this case, also the evidence and probates on the same, who the caviatter by their counsel, objected to the reading of the probates as evidence, which objection was overruled by the court, and also proved by Dr. Williams Queen, that he saw the witnesses — James Reeves and Alexias Smith, sign the same, and he supposes the signatures to be their hand writing — he had almost forgotten who were the witnesses until he again saw the signatures he knows the hand-writing of James Reeves, but not the hand writing of Alexias Smith, but he recollects they were the witnesses, with himself to the instrument & he believes these signatures must be their hand writing It is admitted that Jeremiah Dyer at the time of his death was sixty years of age, the original will in this case, also the Evidence and probate, on the same & ordered, by the court, to be spread upon the record of Proceedings in this case, are in words as follows, to wit —

In the name of God Amen, I Jeremiah Dyer of Charles County in the state of Maryland, being sick & weak in body, but sound in mind, memory & understanding, do make & publish this my last will & testament in manner and form following, to wit — Imprimis I commit my soul to God, from whom I received it, and my body to the Earth, to be decently interred, at the discretion of my executors herein after named.

Item. I give a bequeath to my beloved wife Lucy Ordi. Dyer the whole of my property both real & personal to be disposed of as she may think proper

Signed in the presence of us & each of us this Eighteenth day of September Eighteen hundred and thirty three

his
Jeremiah + Dyer
mark

Jd. Rhodes. Alexius Smith. Wm Queen.

Charles County to wit November 1st 1833. Then came James Reeves one of the subscribing witnesses to the within last will & testament of Jeremiah Dyer Late of Charles County deceased, and made oath on the Holy Evangelly of Almighty God that