The same witness stated that she did not know the dates of any of Miss Colvin's Wills — she once found a Will of Miss Colvin in her bed room closet, took it to her and asked her if that was not the paper which she and Mr. Seackle had been previously looking for. Miss Colvin said Yes, yes, I know, put it back. Witness said it afterwards in the same place. Witness had made search for a Will by Miss Colvin's directions with Mr. Seackle in her Secretary, where she generally kept her wills in the cupboard in the passage, where she kept her money, and in the desk in the dining room in the basement. Mr. Seackle was with witness all the time during the search, but did not search with him in Miss C.'s bedroom.

After Witness found the Will before mentioned in the bedroom she saw it in the desk in the dining room, this desk had been searched by Mr. Seackle and Witness. She saw it in the lower part of the desk, but does not know how it got there. Made a memorandum of the time she found it which is as follows.

"Aunt's will dated thirteenth day of October 1845, witnessed by

Outerbridge Horsey
John W. Edgar
Levi Gale.

Found by me October 26, 1847,

Rachel Jane Warford."

Here the Will of 1845 of Miss Colvin given in evidence was shown to the Witness and identified as the Will which she found on the 26th of October 1847. She told her brother the Defendant she had found the Will in the desk, and showed it to him there, he took it out, it was in an envelope but not sealed and her brother told her she had better make the memoranda above mentioned as she might be called upon to state when she found it.

After Mrs Ellicott left Miss Colvin in August 1845 she did not for some time visit her, when she came she may have seen Miss Colvin and witness, but very seldom, for she generally came in the morning, and the Defendant generally left the house after breakfast, came back to dinner at 2 o'clock, went out again after dinner, and sometimes but not always, came back to tea. Mrs. Ellicott frequently saw Miss Colvin. Sometimes witness was in and sometimes out. Witness did not try to stay with Mrs. Ellicott. Mrs Ellicott would come when witness had gone to church with her brother and remain with Miss Colvin until they came home. She came in this way almost every Sunday while she lived opposite.

Witness has heard Miss Colvin speak cross to Mrs Ellicott, when out of humor, and called her ungrateful. She said

that she had done a great deal for her that she had made a Will before witness came to live with her. When she — very sick. That Mrs. Ellicott was very anxious for her to make a will and afterwards her anxiety ceased. She talked in this way quite often about Mrs. Ellicott, and as far as witness could judge she had then her senses and was attending to her business.

Mrs. Ellicott and witness never quarrelled. On two occasions Mrs. Ellicott called witness and the defendant "Country clod-hoppers" once the remark was made before Miss Colvin, who said to Mrs. Ellicott that witness was as good as she was.

The Defendant proved by the same witness a memorandum in Miss Colvins hand writing of her age, as follows.

Nov. 23, 1843.

I was seventy one years old the fourth day of March 1843.

The same witness also proved that the letters of invitation to David Warford and the Defendant are in the handwriting of Miss Colvin.

The same witness proved that the writing on two medalions of Franklin looks like the hand of Miss Colvin the writing is as follows:

A. Present to Colvin
Warford, October 3, 1830
R. Colvin

A. Present to
Colvin Warford
October 3, 1820
A. Colvin

And also proved that her brother the Defendant had these medalions hung in his room in New Jersey before their father moved to Ohio.

The also proved that she had very often heard her Aunt say that Mrs. Ellicott had dug a ditch for Witness and her brother and had fallen into it herself.

While Mr. & Mrs. Ellicott lived at the corner of Exeter street in Miss Colvins house, and after Mr. Ellicotts failure, Miss Colvin said Mrs. Ellicott came to see her several times, crying and saying she did not know what they would do, that they would have to rent their house and go to board. Miss Colvin said she told her they should not rent her house, she would do that herself, but that they might come and live with her as long as it was greeable.