affected the right side so that she had not the proper use of herself. Whereupon the Court by consent of the parties aforesaid by their attornies aforesaid postpone the said proceedings until the fourteenth day of December in the year of our Lord one thousand eight hundred and forty three. At which said day to wit, the fourteenth day of December in the year last aforesaid, come into Court here again the parties aforesaid by their attornies aforesaid, when Nathan Shipley was produced and sworn as a witness on the part of the defendants, and the following interrogatories were propounded to him and the following answers given by him, to wit.

Interrogatories in chief propounded to Nathan Shipley a witness produced and sworn on the part of the defendants on the fourteenth day of December 1843 viz.t +

1st What is your age.

2nd Look upon the paper marked B, and say whether the name Nathan Shipley signed as a witness thereto, is your signature.

3d Say whether you signed the paper marked B, at the request of Agnes Gaither the testatrix in her presence and in the presence of Joshua H Shipley and John Norwood the other subscribing witnesses, and did you hear her publish pronounce and declare the same to be her last will and testament.

4th Was Agnes Gaither at that time of sound and disposing mind memory and understanding and capable in law of making a valid deed or contract.

5th Say whether you penned the said will to writing pursuant to the instructions of the deceased and whether the same was read to her before she executed it.

6th Did you write Agnes Gaithers name to said paper at the request of said Agnes and did she afterwards make her mark thereto.

7th Did you read the declaratory or last part of the paper marked B and signed Agnes Gaither after she had signed the same and did you understand her answer thereto which was "I do so" as spoken of in your answer to the third interrogatory in chief as meaning "I do pronounce publish and declare this to be my last will and testament."

8th When Samuel Gaither handed you the paper of instructions as spoken of in your answer to the fifth interrogatory in chief was it read to Agnes Gaither and did she give her assent to the same.

9th Did you draw the will in strict conformity to the paper of instructions given you by Samuel Gaither or did you change or vary from them if you did change say how, and how you came to do so.

10th Did Agnes Gaither's instructions or the instructions you received for the writing of the paper marked B, direct that her negroes should serve until they were twenty one or twenty five.

11th Did you, previous to the instructions having been given to you by Samuel Gaither, have any conversation with him or Agnes Gaither about the time the negroes ought to serve as a fair compensation for raising them.

X Cross interrogatories propounded to the said Nathan Shipley on the part of the plaintiff, on the same day, as follows viz.t

X 1st What was the age of Agnes Gaither at the time of writing the paper marked B, was her health good at that time and where was she at the time of your writing said paper.

2d Who requested you to procure the attendance of the other persons who have signed their names to said paper as witnesses.

3d Where did Mrs Agnes Gaither reside at the time of writing said paper and did she die at Samuel Gaither's.

4th Did you at any time, at the request of Mrs A. Gaither, demand the paper marked B, of Samuel Gaither, if yea, what did he say upon that subject.

5th Did Samuel Gaither say to you, at the time of writing the paper marked B, that he was desirous that Mrs A. Gaither should execute her last will and testament before she returned to Montgomery County, or words to that effect.

6th In what relationship stands Samuel Gaither to the persons named as legatees and executor in the paper marked B.

The following additional interrogatories in chief were propounded to the said Nathan Shipley on the part of the defendants, on the same day viz.t

1st How long after the paper marked B was executed, was it before Agnes Gaither asked you to call on Samuel Gaither for the paper marked B,

2d Did you, at the time she so called on you, consider her of sound and disposing mind memory and understanding and capable in law of making a valid deed or contract.

3d Have you any knowledge of the wish of Agnes Gaither the testatrix to free her negroes.

4th Has Rachel Mc Gaither any property or means of support independent of what she may derive from Agnes Gaither's estate and had she any means for the last fifteen years other than that she derived from Agnes Gaither.

5th In whose hand writing is the paper produced by you in your answer to the first additional interrogatory in chief and signed Agnes Gaither both body and signature."

6th When you say you were requested verbally to call on Samuel Gaither for the paper marked B, who so verbally requested you."

The following additional cross interrogatory was propounded to the said Nathan Shipley on the part of the plaintiff on the same day viz.t

Did you read or state the contents of the paper to Samuel Gaither referred to by you in your answer to the first additional interrogatory in chief.

The said interrogatories having been propounded to the said Nathan Shipley in their order, on the said fourteenth day of December eighteen hundred and forty three, to the first of said interrogatories he answers "If the 1st register kept by my father is correct, I was forty six the first of October last."

2d To the second interrogatory, the paper marked B being shewn to him the witness answers "It is my signature."

3d To the third interrogatory the witness answers "I read the concluding clause of the instrument of writing here to her and Mrs Agnes Gaither nodded