On which said thirty first day of January in the year of our Lord one thousand eight hundred and forty four Samuel R Gaither was also produced and sworn as a witness on the part of the plaintiff, when the following interrogatories were propounded to him and the following answers given by him viz:—

Interrogatories in chief propounded to Samuel R Gaither, a witness produced and sworn on the part of the plaintiff on the thirty first day of January in the year of our Lord one thousand eight hundred and forty four as follows, to wit:—

1st What is your age:—

2nd Were you or were you not acquainted with the late Mrs Agnes Gaither if yea, how long have you known her:—

3d Have you or have you not at any time prior or subsequent to the 23d day of August 1841, had a conversation or conversations with Mrs Agnes Gaither in relation to the disposition of her property, if yea, state the conversation or conversations and when the same took place:—

4th Did she or did she not state who wrote the paper that was executed in Howard District, if yea, say who:—

5th Was or was not Mrs Agnes Gaither an aged woman in 1837 in a feeble state of health, and did she require constant attention: if yea, state who bestowed that attention which was requisite and necessary in her condition:—

6th Did you or did you not ever see Major Samuel Gaither the brother of Agnes Gaither or any of his family bestow any attention upon Mrs Gaither or visit her from the year 1837 until her death:—

7th In what relationship do the persons named as legatees and executor in the paper marked B, and now shewn to you, stand to Samuel Gaither:

8th Did you or did you not hear Mrs Agnes Gaither say that she had ordered the paper executed by her and written by Mr Shipley in Howard District to be destroyed and that she wished the paper written by Doctor Gustavus Warfield to be only her last will and testament:—

+ Cross interrogatories propounded to the said Samuel R Gaither on the part of the defendants on the same day as follows viz:—

+1st Have you any interest, direct or indirect in the result of this case:—

2d Have you made any bargain with Rachel M Gaither concerning either the land or the negroes of the late Agnes Gaither, or do you contemplate making any such bargain:—

3d Is there not a tract of land, upon which Agnes Gaither resided up to the time of her death, which your father in law the late Frederick Gaither claimed to belong to him at the death of the said Agnes and has not Frederick Gaither disposed of it by last will and testament:—

4th When was the first time you had the conversation with Agnes Gaither referred to in your answer to the third interrogatory in chief:—

5th Did Rachel M Gaither advise with you subsequent to the 23d August 1841 as to the plan to be adopted to destroy the paper marked B, and did she ask you to influence or advise Agnes Gaither to destroy it:—

6th Did you at any time subsequent to the 23d August 1841 advise induce or attempt to induce Agnes Gaither to destroy the paper marked B, or do you know of any such influence exerted over her:—

7th Did you advise Rachel M Gaither to file a caveat to the paper marked B, filed in the Orphans Court of Montgomery County:—

8th Is Samuel Gaither, the brother of Agnes Gaither, an old man and a man of respectability and property:—

9th Did you ever hear Agnes Gaither express any wish with regard to the disposition of her negroes: if yea, when:—

10th Have you had any conversation with Nicholas D Warfield with regard to the will of Agnes Gaither: if yea, state when it took place and what it was:—

11th How long did Rachel M Gaither live in the family of Agnes Gaither: whilst living was she sustained genteelly and had she any means other than those derived from the bounty of her aunt:—

12th What would you suppose the actual services of Rachel M Gaither to be worth to Agnes Gaither, independent of the time she consumed in sewing and knitting for herself, and what were the general accommodations which Agnes Gaither afforded her:—

13th In all these various transactions or conversations with Agnes Gaither which you have spoken of subsequent to the 23d August 1841 did you consider her of sound and disposing mind, memory and understanding and capable in law of making a valid deed or contract, and was she so about the 23d August 1841:—

14th How long was Agnes Gaither in this uncertain and deranged state of mind:—

Additional ~~additional~~ interrogatory in chief propounded to the said Samuel R Gaither on the part of the plaintiff, on the same day, as follows, to wit:—

Do you believe that any sum of money could compensate Rachel M Gaither for her personal attention to Mrs Agnes Gaither during her illness:—

which said interrogatories having been propounded to the said Samuel R Gaither, in their order, on the said thirty first day of January in the year of our Lord one thousand eight hundred and forty four, to the first of the interrogatories in chief he answers, 1st I am forty four:—

2d To the second interrogatory in chief the witness answers: I was acquainted with her for thirty years and intimately for the last five years and visited her frequently:—

3d To the third interrogatory in chief the witness answers: yes sir, I heard her talk on the subject, I heard her say that she had been over to her brother Samuel Gaither's and they forced her to make a will she said that it was not her will, she said that she wished to give Greenbury Gaither one of her negroes, but Samuel Gaither objected to it and said she must give it to his grand son, she further said that she wanted to leave Greenbury Gaither her executor, but that was opposed by Samuel Gaither, her brother, of Howard District, who said that his son Washington must be executor, against her wish, that Washington had cheated and defrauded her so that she did not wish him to have any of her property, she appeared to talk as if she was disturbed in her mind and said that she wished the will written by Doctor Warfield should be her will, I have frequently had these conversations with her, and think the last conversation was in March last, and perhaps since:—