forty four, as follows to wit:—
1st. What is your age, and are you a physician and how long have you been a physician?—
2d. Were you or were you not acquainted with the late Agnes Gaither; if yea, how long have you known her?—
3d. Were you or were you not her physician in or about June 1838 if yea how long had you been her physician prior and since?—
4th. Look upon the paper now shewn to you and marked exhibit A and state whether the same is in your hand writing, if yea state all your knowledge about the writing and execution of said paper.—
5th. Did you or did you not see Jefferson Griffith, Orlando G. White and William Rickard witness said paper and did they witness the said paper in the presence of each other and in the presence of the testatrix and at her request?—
6th. Did you hear the testatrix Agnes Gaither publish pronounce and declare the same to be her last will and testament, in the presence of said witnesses and was she at that time of sound and disposing mind memory and understanding and capable in law of making a valid deed or contract?—
7th. When did you see Mrs. Agnes Gaither as her physician after the 23d day of August 1838 and what was the state of her mind at that time?
8th. Did you or did you not see Agnes Gaither a short time before the 23d of August 1841 and very soon thereafter, if yea, state the then condition of her mind and body before and after?—
9th. Did the condition of Mrs. Gaither from 1838 till the 20th of April 1841 require constant attendance in nursing, if yea who was her nurse?
10th. Could any pecuniary consideration have compensated Miss Rachel Gaither for the sacrifice she made in attending to the wants of Mrs. Gaither?
11th. Did you ever see any of the family of Samuel Gaither the father of Washington Gaither visiting or waiting on Mrs. Agnes Gaither during the several illnesses spoken of by you? if yea when and how often?
12th. Do not repeated attacks of paralysis necessarily destroy the mind of the person?—
13th. Had or had not Mrs. Gaither several attacks of paralysis from the 8th of June 1838 to the 23d of August 1841?—
14th. Was there any exhibition of paralysis in the illnesses of Mrs. Gaither as spoken of by you from the 8th of June 1838 to the 23d of August 1841 if yea, how often did those symptoms present themselves?—
+ Cross interrogatories propounded to the said Gustavus Warfield on the part of the defendants on the same day as follows, to wit,—
1st. When did Agnes Gaither die?—
2d. When you called to see Mrs. Agnes Gaither on Sunday after the fall of snow on the 16th of March 1843 and when she was the patient of Dr. Owings what seemed to be the condition of her health and mind?
+ 3d. In what words or in what way did Agnes Gaither request the subscribing witnesses to witness the paper marked A?—
4th. In what part of the room was Mrs. Agnes Gaither situated at the time that the subscribing witnesses signed the paper marked A, and in what part were the witnesses, and was Mrs. Gaither able to converse, so as

to be distinctly heard by them?—
5th. Did Agnes Gaither, in any conversation with you, a short time previous to her death express a wish to set her servants free?—
6th. Did Agnes Gaither in any conversation with you before or after the execution of the paper marked A express a wish to set her servants free, if yea, state when, where and what it was?—
7th. Why did you deem it necessary to ask Agnes Gaither at the time she executed the paper marked A any question with regard to the execution of the same?—
8th. Was the paper marked A read to Agnes Gaither immediately previous to its execution, and who was present?—
9th. How long was it between the reading and the execution of the paper marked A and where was the paper, during the intermediate time?—
10th. Was Basil Gaither, the son of Agnes Gaither, alive at the time the paper marked A was executed?—
11th. Did you subsequent to the 23d of August 1841 advise, induce, or in any way attempt to induce Agnes Gaither to destroy the paper marked B, or do you know of any such influence exerted over her?—
12th. Do you know Samuel Gaither, the brother of Agnes Gaither, if yea, is he a man of property and respectability?—
13th. Have you had any conversation with Nicholas D. Warfield in relation to the will of Agnes Gaither, if yea, state what it was?—
14th. Whilst Rachel M. Gaither lived in the family of Agnes Gaither had she any means of living other than upon the bounty of Agnes Gaither if yea, what were those means?—
15th. What do you suppose the services of Miss Rachel M. Gaither to have been worth in attending on Agnes Gaither during her illness, taking into consideration her conveniences and accommodations whilst there?—
16th. What proportion of the amount of which you have spoken in answer to the 9th interrogatory in chief was incurred by the individual sickness of Agnes Gaither?—
17th. During the whole time that you attended Mrs. Agnes Gaither as her physician was her indisposition such as to prevent her being of sound mind memory and understanding and capable in law of making a valid deed or contract?—

Which said interrogatories having been propounded to the said Gustavus Warfield, in their order, on the said twenty third day of April in the year of our Lord one thousand eight hundred and forty four, to the

1st. first of the interrogatories in chief he answers "I was sixty years of age the last day of March last, I am a physician and have been practising for forty years."—
2d. To the second interrogatory in chief the witness answers "I have known her forty years."—
3d. To the third interrogatory in chief the witness answers, "I was her physician at that time, My father and myself had been the physicians of the family many years before. In her last illness I was not her physician, although I saw Mrs. Gaither in her last illness, My last attendance on her as her physician was on the eighteenth day of March