

Prerogative Court of New Jersey.

GEORGE F. REEVES, executor, &c., appellant,
and
MATSON K. MATLACK et al., respondents, } *On appeal from decree
of Orphans' Court of
Burlington county.*

JOHN R. SLACK and JOHN L. N. STRATTON, proctors and of counsel for appellant.

JOHN C. TEN EYCK and ABRAHAM BROWNING, proctors and of counsel for respondents. .

STATE OF THE CASE.

PETITION OF APPEAL.

To the Honorable Benjamin Williamson, ordinary or surrogate general and judge of the Prerogative Court of the State of New Jersey.

The petition of appeal of George F. Reeves, sole executor named in a paper writing purporting to be the last will and testament of Joseph Reeves, deceased, in behalf of himself, the sole legatee and devisee therein named, of the city of Philadelphia and state of Pennsylvania, represents, that the said Joseph Reeves departed this life on or about the seventh day of January, in the year of our Lord one thousand eight hundred and fifty-four, seized and 10 possessed of considerable real and personal estate in the county of Burlington and state of New Jersey, leaving your petitioner, named in a paper writing purporting to be his last will and testament, as sole executor thereto; that after the decease of the said Joseph Reeves, on or about the thirteenth day of January, in the year aforesaid, your petitioner offered to the surrogate of the county of Burlington the said paper writing purporting to be the last will and testament of the said Joseph Reeves, deceased, for probate; that on or about the seventeenth day of January, in the year aforesaid, Matson K. Matlack, E. C. Matlack, John Rue, Mary Ann Rue, 20 Charles Stoy, and Elenora Stoy, or some of them, filed a caveat

against the probate thereof with said surrogate; that a hearing was had upon testimony taken by the judges of the Orphans' Court of said county, and that, on the thirteenth day of March, in the year of our Lord one thousand eight hundred and fifty-five, the said court made their decree refusing to admit said paper writing to probate; that your petitioner, on the twentieth day of April, in the year last aforesaid, by a writing signed by his proctor, and filed on the said last mentioned day in the clerk's office of said county, demanded an appeal from the said decree; and he appealed there-
 10 from to your Honor, and prays your Honor to grant an order to said Orphans' Court to return a transcript of the proceedings before them had touching the premises, and all affidavits, evidence, exhibits, proofs, and papers used in obtaining said decree or order, and also give your order to said Matson K. Matlack, E. C. Matlack, John Rue, Mary Ann Rue, Charles Stoy, Elenora Stoy to put in their answer to your petitioner's appeal; and that your Honor would review and reverse the said decree, as the same and every part thereof is erroneous, with costs; and that a decree may be made to admit said will to probate, and to grant such further re-
 20 lief as to your Honor may seem meet.

JOHN L. N. STRATTON,

Proctor and of counsel with petitioner.

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 ANSWER.

IN THE PREROGATIVE COURT OF THE STATE OF N. JERSEY.

*The answer of Matson K. Matlack and Elizabeth C. his wife, and Charles Stoy and Elenora his wife, to the petition of appeal of George F. Reeves, who alleges himself to be the executor of Joseph Reeves, late of the county of Burlington, deceased.*

These respondents, not confessing or acknowledging all or any  
 30 of the matters to be true, as in and by the petition of appeal are mentioned and alleged, for answer thereto say, that the said Joseph Reeves died on or about the seventh day of January, in the year of our Lord one thousand eight hundred and fifty-four.

And these respondents further say, that a paper, purporting to be the last will and testament of the said Joseph Reeves, deceased, was produced to the surrogate of the county of Burlington, and

letters testamentary thereof prayed to be granted to the said George F. Reeves; and these respondents, not believing the said paper to be the last will and testament of the said Joseph Reeves deceased, did file with the surrogate of the said county of Burlington a caveat against the probate of the same; and the surrogate did report the said paper to the Orphans' Court of the county of Burlington.

And these respondents further say, that the said George F. Reeves was unable to establish the said paper as the last will and testament of the said Joseph Reeves, deceased; and these respondents, not relying upon the insufficiency of the proof offered by the said George F. Reeves, produced before the said Orphans' Court sufficient evidence to satisfy the said court that the said paper is not the last will and testament of the said Joseph Reeves, deceased, whereupon the said court did, on the thirteenth day of March, in the year of our Lord one thousand eight hundred and fifty-four, unanimously order that the said paper writing offered for probate by the said George F. Reeves is not the last will and testament of the said Joseph Reeves, deceased, and that the said paper should not be admitted to probate as and for the last will and testament of the said Joseph Reeves, deceased. And these respondents are advised and do believe that the said decree is agreeable to law, and hope the same will be affirmed, and the said petition and appeal and these respondents will be dismissed from the Prerogative Court.

JNO. C. TEN EYCK,

*Proctor and of counsel with respondents.*

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EXHIBIT A.

Paper writing purporting to be the will of Joseph Reeves, deceased.

I, Joseph Reeves, of the township of Westhampton, in the county of Burlington, and state of New Jersey, being of sound mind, memory, and understanding, do make and publish this my last will and testament, in manner following, that is to say:—

Item. I order my executor, herein after named, to pay all my just debts and funeral expenses, as soon as conveniently can be after my decease.

Item. I give, bequeath, and devise unto my brother, George F.

Reeves, of the city of Philadelphia, all my estate, both real and personal, whatsoever and wheresoever found.

And lastly, I do hereby nominate, constitute, and appoint my said brother, George F. Reeves, sole executor of this my last will and testament.

In witness whereof, I have hereunto set my hand and seal, the twenty-third day of September, in the year of our Lord one thousand eight hundred and fifty-three (1853).

JOSEPH REEVES, [L. S.]

10 Signed, sealed, published, and declared by the said Joseph Reeves, the testator, as and for his last will and testament, in the presence of us, who, at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses.

SAMUEL RISDON,
JOS. B. OLIPHANT.

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CAVEAT.

*To John F. Moore, esq., surrogate of the county of Burlington.*

We, Matson K. Matlack and Elizabeth C. Matlack his wife (late Elizabeth C. Reeves), John Rue and Mary Ann Rue his wife (late Mary Ann Reeves), and Charles Stoy and Elenora Stoy his wife (late Elenora Reeves), (which said Elizabeth C. Matlack, Mary Ann Rue, and Elenora Stoy are three of the sisters and heirs-at-law of Joseph Reeves, late of the county of Burlington, deceased,) do hereby caveat and protest against the proving of any last will or testament, or instrument in the nature thereof, being or pretending to be the testament and last will of the said Joseph Reeves, until an examination thereof be had in the Orphans' Court of the county of Burlington, and sentence be thereupon pronounced.

Dated January 19th, 1854.

MATSON K. MATLACK,  
E. C. MATLACK,  
JOHN RUE,  
MARY ANN RUE,  
CHARLES STOY,  
ELENORA STOY.

## DEPOSITIONS ON PART OF THE PROBATE.

*Samuel Risdon*, being duly sworn, did depose and say—I reside in Mount Holly; I knew Joseph Reeves in his lifetime; I suppose I knew him for thirty years. (Paper writing marked *Exhibit A* on the part of the probate, being shown to witness—the name, Samuel Risdon, subscribed on that paper, is my own proper handwriting. I saw Joseph Reeves sign that instrument, he signed it in the presence of Joseph B. Oliphant and myself. I signed that paper as a witness, in the presence of Joseph Reeves and Joseph B. Oliphant. Joseph B. Oliphant signed that paper in presence of 10 Joseph Reeves and myself. Joseph B. Oliphant and myself signed that paper at the time of its execution, in the presence of Joseph Reeves. At the time of the execution of this paper, he declared it to be his last will and testament, in the presence of myself and Mr. Oliphant; the form was read over at the time, and he acknowledged it—what I mean is, the declaration of it. Mr. Reeves, at the time of signing the will, was of sound disposing mind and memory, to the best of my belief and knowledge.

Cross-examined.—We were, at the time of the execution of the will, in Mr. Stratton's back office in this town; I was called upon 20 to go in there by Mr. George Reeves, brother of Joseph; I think it was in the neighborhood of nine o'clock in the morning. When George called on me I was in my shop, and I and George went into Mr. Stratton's front office together; I think John B. Hellerman was in the front office when we went in. I went from there into the back office; I found Mr. Oliphant and Mr. Reeves there; there was no one else there when I went in; when I went in I saw Mr. Joseph Reeves, and shook hands with him. We did not proceed immediately towards the execution of the paper; Joseph Reeves and myself talked a short time; after we had talked a short 30 time together I sat down in a chair. Mr. Oliphant says, Mr. Reeves it is ready, and pointed at the table—the paper laid on the table; Mr. Oliphant handed him the pen in his hand; Mr. Reeves sat down to the table where the paper was. I said, I suppose you wish me to see Mr. Reeves sign his name; Mr. Oliphant said yes; I got up, and went up to the table and saw Mr. Reeves sign his name. After he wrote his name, Mr. Oliphant told Mr. Reeves to lay his finger on the seal, and asked him if he declared that to be his last will and testament; he said he did. As he, Mr. Reeves, got up out of the chair, I was requested to put my name there as a wit- 40

ness, I think by Mr. Oliphant, and I done so. I rose out of the chair, and Mr. Oliphant sat down and wrote his name. I stayed there some time, and talked with Mr. Reeves; we were always very friendly when we met. I don't recollect what passed; I suppose I was there five minutes after the will was executed; I was in there altogether, I suppose, about fifteen or twenty minutes. I don't know who I left in the back office when I came out; all the time I was in there there was no other person in there but Mr. Oliphant, Joseph Reeves, and myself. Mr. Hellerman and George Reeves were in the front office when I came out; Mr. Oliphant had finished writing the will when I went in the office. George Reeves came in my shop, and said, Sammy will you step into Mr. Stratton's office a few minutes—brother Joseph is there, and wants to see you; he did not tell me what he wanted me for. I recollect having some conversation last winter with Charles Stoy about the execution of the will; I did not tell Charles Stoy that at the execution of the will that I had no conversation with Joseph Reeves of any amount, or any thing of that kind.

Re-examined.—Joseph Reeves was a farmer; my business is harness making. I have had dealings with Mr. Reeves; I have had 20 dealings with him at several different times, but to no great amount; we have had dealings for several years; was in the habit of seeing him frequently, and knew him quite well; he lived between two and three miles from Mount Holly; there is one store between Mr. Stratton's office and my shop, in the same building.

Cross-examined again.—I have had dealings with Joseph within four or five years; my impression is I have had dealings with him within two or three years of his death—I cannot say positively. [It is admitted here that Mr. Reeves died on the 11th January, 1854.]

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SAMUEL RISDON.

Sworn and subscribed, in open court, October 26th, A. D. 1854, before me.

GEO. HAYWOOD.

*Joseph B. Oliphant*, being duly sworn, says—I am a practising lawyer, living in Mount Holly; I knew Joseph Reeves in his lifetime. *Exhibit A* being shown him—the body of this is my own handwriting; the name of Joseph B. Oliphant is my proper signature. I saw Joseph Reeves, the testator, sign that paper; he signed it in the presence of Samuel Risdon and myself; Mr. Risdon and 40 myself signed that paper in the presence of Joseph Reeves and in

the presence of each other. Mr. Reeves, in the presence of Mr. Risdon and myself, declared this paper to be his last will and testament. At the time of the execution of this paper, Joseph Reeves was of sound disposing mind, memory, and understanding, to the best of my belief and understanding.

Cross-examined.—The will was executed the day it bears date; Mr. Joseph Reeves called upon me to draw this will; he called upon Mr. Stratton, I suppose, in the first place; it was during the session of court here, and Mr. Stratton referred him to me; I was present when he called upon Mr. Stratton—it was at the office. 10 I think these gentlemen (pointing to Mr. George Reeves and Mr. J. B. Hellerman) came with him at the time; I think it was between nine and ten o'clock in the morning when he called—before court time. Mr. Stratton referred him to me; we went into the back office, and just as soon as he stated what he wanted, I then proceeded to draw the will. I can't say where George was when I drew the will, whether he stayed in the front office or went out; Joseph Reeves and myself went into the back office, and I closed the door, when Joseph stated his business; I did not come out of the back office until after the will was executed. It is my impres- 20 sion, when I came out of the back office, George Reeves was in the front office; I don't recollect whether Byron was there or not. I think this was the first and only business that I ever done for Joseph Reeves. I think George Reeves lives in Philadelphia. I suppose from the time Joseph and George Reeves came in the office the morning the will was executed, it was about a half or three-quarters of an hour till they left; it was during court week. I do not recollect whether it was Wednesday or Thursday of the week; it is my impression that Mr. Stratton was engaged in the trial of Brown, the forger; I recollect I was about 30 going up with Mr. Stratton the morning they called on him. I finished the business of counsel as soon as it could properly be got through with; I was anxious to go up and hear the trial; before they came there that morning I had no intimation from any one about their coming.

Re-examined by probate.—I think Mr. Stratton was about leaving the office to go to court when they called there that morning. I think I have been in Mr. Stratton's office about six years.

Joseph Reeves had been a client of Mr. Stratton, from time to time, during all that time. No one went into the back office with me, 40 except Joseph Reeves; I think no one came in there, except Samuel Risdon, whilst Joseph Reeves and myself were there. Joseph

Reeves dictated that will to me; I drew it in accordance with his dictation, and at his request; I read the will to Mr. Reeves before the execution; he expressed himself satisfied with it; I told him it was necessary to have two subscribing witnesses; I told him I could act as one; I asked him who he would get for another; he asked me if Samuel Risdon would do; I told him certainly he would do, and he said he would go and get him; he left the back room then; I remained in the room.

After the execution of the will, Mr. Joseph Reeves told me to put  
 10 it in Mr. Stratton's fire-proof, and I done so. Joseph Reeves paid me for drawing the will; George Reeves did not know any thing about the contents of the will, that I was aware of. Mr. George Reeves was not present when the will was read over to Joseph Reeves by me; the will was sealed up in a large envelope; I suppose the will remained in Mr. Stratton's fire-proof until after the death of Joseph Reeves—I know nothing to the contrary.

Cross-examined again.—I never saw Joseph Reeves after the execution of the will; I have no recollection of seeing George Reeves after the execution of the will until after Joseph Reeves' death; I think that George Reeves did not ask me the contents of  
 20 the will on that day; I do not know that he was informed of the contents of the will on that day; when Joseph Reeves left the office on that day, my impression is his brother went with him; after I had written it, I read it to him, and asked him if that was what he wanted; he said it was. When Joseph paid me for the will we were in the back office; I don't recollect seeing any one in the back office, except Joseph and myself; when he paid me for the will, I do not know whether the door was shut or not; it was a very short time after the execution of the will when Joseph paid  
 30 me for it. After I had put the will in the envelope, and sealed and put it in the fire-proof, he paid me for it—could not been over five or ten minutes. I don't know, for a few months before the execution of the will, that Joseph Reeves employed any other attorney to do his business.

JOS. B. OLIPHANT.

Sworn and subscribed, in open court, October 25th, A. D. 1854, before me.

GEO. HAYWOOD.

Mr. Stratton now proposed to offer the will for probate.

## DEPOSITIONS ON THE PART OF CAVEATORS.

*John B. Hellerman*, being duly sworn, says—I am a nephew of Joseph Reeves, deceased; my mother was his sister; my mother's name is Sarah Ann Hellerman; my father is living—his name is William Hellerman. My father, mother, and myself live in Philadelphia; the names of my uncle's brothers and sisters are, George F. Reeves, Elizabeth Matlack, wife of Matson K. Matlack, Elenora Stoy, wife of Charles Stoy, Mary Ann Rue, wife of John Rue. My uncle Joseph was never married; he was about forty-eight or forty-nine years old; I have lived upon his farm near Mount Holly; I went there to live the latter part of July, or fore part of August, 10 1853; my uncle George first requested me to go there and live; he wanted me to go there and live to attend to my uncle's business on his farm; prior to that time I lived in Philadelphia; I am a man of family, a wife and two children; I took my wife and child to live there with me; he wished me to go there and take charge of the farm; he said Joseph was drinking, and was not capable of doing business, and wanted me to take charge; I lived there until after my uncle Joseph's death and until after the vendue. Whilst I was there, he was in the habit of drinking, and done no work at all; he did not attend to his affairs; he got his liquor out of his 20 own cellar—he kept it there by the barrel; there were stills on the place; on an average, he would drink a quart a day; I do not remember the proof of it, but he considered it first rate—he told me it was not watered. Uncle George told me to do as he said, not as uncle Joseph said, for he was not capable of carrying on his business, and what he (uncle George) said I must do. It was the latter part of his time that he was deranged (in the latter part of August, 1853); it was *mania potu*; he required some one with him constantly, both day and night; he would rave sometimes, and go on distracted; he stayed in the house pretty much all the time; 30 at night he would be awake pretty much all the time; he would not sleep more than a quarter of an hour at a time, and was very restless. I cannot rightly remember how long the fit of *mania* continued, about two weeks, perhaps three.

I recollect sending for my uncle George to come up there; it was three days before the will was made that I sent for him (uncle George) to come up; I sent for him because I had made an agreement with uncle Joseph to take the farm; my uncle Joseph had spoke to me about taking the farm, and I went down and consulted

with uncle George about it; he told me it was the best to take the farm, and he would see me right in it; he told me, if I would get my uncle Joseph in the right trim, to take the farm, and then send down for him—he would come up; I wrote for him to come up the next day or day after; I went to meet him; the next day he did not come; I went the day after, and met him; he came in the four o'clock or afternoon train; that was the afternoon before we came to Mount Holly; he stayed there all night at my uncle Joseph's; Joseph had been drinking at that time. We started next

10 morning to come to Mount Holly, about half-past eight or nine o'clock; my object for coming to Mount Holly was to get a lease on the farm; uncle Joseph took two drinks that morning—my wife gave him the first drink, and I gave him the second; my wife gave him about half a tumblerfull; I poured him out a drink, and he said it was not enough, and I poured the tumbler two-thirds full; I objected to give the second drink to him, and he said it was none of my damned business, it was his own—he would drink what, and as much as he pleased. I went out, and told my uncle George I had given him another drink, and told him he was too far gone, I

20 thought; he said no, for that would work off of him before they got to Mount Holly; uncle Joseph was then washed and dressed, and the carriage brought to the door, and we three got in; the hired girl washed him—her name is Hannah Ann Armstrong; every day when he drank he was washed by the girl, when he did not drink, which was very seldom, he would wash himself; she would wash him sometimes, and take off his dirty shirt, and put on a clean one; I have seen her pull off his pants, but not that morning. When we started for Mount Holly that morning uncle Joseph drove out to the big road; there is a small bridge there; he drove

30 from one side of the road to the other, and pulled the horses about; he was intoxicated that morning. After we got over the bridge a piece, uncle George took the lines, because my uncle Joseph drove in the sand—it was very sandy there—and he drove in the sand, and uncle George took the lines and drove on. When we got to Mount Holly, we drove in the hotel yard at Campion's, and put the horses under the shed, and then went to Mr. Stratton's office. When I went to Mr. Stratton's office, I went there with the intention of getting a lease on the farm by the shares; my uncle George told me to send for him, and that was what I thought we were

40 going there for.

I was not personally acquainted with Mr. Stratton or Mr. Oliphant; I went in the front office; I stayed there all the time uncle

Joseph was there; when we came out of Mr. Stratton's office, uncle George, uncle Joseph, and myself were together. During the time I lived on uncle Joseph's farm he was not competent to transact business; I did not think him competent to transact business the morning I came to Mount Holly with him. I employed the men that worked on the place; I generally settled with the men; when Mr. Stoy was there he would settle with them sometimes. He died through hard drinking (the doctor said); after the execution of the will, he continued on drinking until we had to send for the doctor; he was confined to the bed, and the doctor 10 said his death was caused by drink, and he had jaundice; if we took the drink from him it would kill him; he drank as long as he was able to get the drink, and when he was not able to get it, the hired girl, Hannah Armstrong, took it to him. The day we were at Mr. Stratton's office my uncle George drew a paper, and uncle Joseph signed it; it was after we had been in Mr. Stratton's office; it was executed at Mr. Champion's hotel, in the back-room; the paper was about my having the farm.

Paper marked *Exhibit No. 1* on the part of the caveators being shown witness—I saw my uncle Joseph sign it; when it was ready 20 for signing, he looked over and signed it; I don't know whether he read it or not after he had signed his name; we were getting ready to go home when the meat came, and we got in the carriage and bid uncle George good-bye, and started home. When he signed the paper he first signed his own name, and then signed mine immediately under it; when he done it, uncle George told him it was not right, and cut my name off; (the meat came, and we went home). After the name was cut off of the paper, I took it and kept it. As we were going home, there was a conversation between me and uncle Joseph about what was transacted at Mr. Stratton's 30 office; I asked him what he was doing there; he told me he had made a will; he told me uncle George was to have the farm, and my mother was to have fifteen hundred dollars, and aunt Hannah Reeves to have six hundred, I was to have five hundred, my child was to have two hundred and fifty, Hannah Ann Armstrong was to have two hundred, aunt Ella, aunt Mary, and aunt Elizabeth were each to have one dollar. Afterwards, when he got in a passion, he would tell me the will was not made to suit him; he said this to me a half dozen times; he told me, four or five times, to go after it, and told me to get it, for he wanted to tear it up; I 40 never went. Before we went to Mount Holly, George told me, when I got the farm, to kick uncle Charles Stoy's ass off the place,

and if he sued me afterwards he would back me. When I went to the farm first uncle Charles was not there; Stoy was staying there during part of the time I was there; he came to see after the farm, to see if things were going on right. When I went to Philadelphia to see my uncle George about the farm, he told me to come up and get my uncle Joseph in right trim, and he would come up and get it made over to him for me; he told me he could get out of him what he wanted, and do what he pleased with him.

I had conversation with my uncle George after the death of my  
 10 uncle Joseph about the will—it was between his death and the ven-  
 due; it was about the will; he said he expected there would be a  
 trial in court; he said he did not know whether he would want me  
 or not to attend; he said he would see Mr. Stratton, and find out  
 whether he wanted me or not, and told me, if I come in court, I  
 must have a small straight story, it should not be a long one, and I  
 must not say how much liquor he had, and how often he drank,  
 and I must say I only gave him one drink; this conversation hap-  
 pened in the barn-yard at the farm. I have lived on a farm five or  
 six years ago, in Bucks county, before. I am going on twenty-one  
 20 years of age. When uncle Joseph told me to get the will, he  
 wanted to tear it up.

Cross-examined on the part of the probate.—I was married last  
 May a year; I was married without my father's knowledge or con-  
 sent; he was ignorant of my marriage for three or four months  
 after it took place. My marriage became known to my father long  
 before I went up to my uncle Joseph's to live; I went up to my  
 uncle Joseph's to live in the latter part of August, 1853; I was at  
 house-keeping in Brooks-street, above Coates; I never went to my  
 uncle George, and told him my father would not let me live at  
 30 home, and ask him for his advice. During the attack of the *mania*  
*potu* uncle Joseph had in the month of August, I think he had a  
 physician attending him (Doctor Stratton was the physician); I  
 can't say how long he attended him; he was bedfast; I don't know  
 whether he was ill enough to require the attendance of a physician  
 for a week; he sent for Dr. Stratton.

I don't recollect the date of the letter I sent to my uncle George  
 to come up; I was not requested by uncle Joseph to write; I don't  
 remember what I put in the letter, but wrote for him to come up;  
 I did not write to my uncle George that uncle Joseph wanted me  
 40 to write to him to come up, and would not tell what it was he  
 wanted him for. Uncle Joseph was up before I was the morning  
 we came to Mount Holly; I was up about sunrise. When my wife

gave him the drink that morning I cannot tell how long it was after I was up—I can't tell whether before or after breakfast; I can't tell how long after he got the first drink I gave him the second—it was after breakfast—I suppose it was about a quarter of an hour before we started for Mount Holly; it was an ordinary sized tumbler that I gave him the drink in. When we came to Mount Holly I don't know who proposed to go to Mr. Stratton's office; we all went together; I did not hear Mr. Stratton's name mentioned at all on that day. As soon as we left the wagon we went to Mr. Stratton's office, without any thing being said to any one; I don't 10  
recollect who made the first mention to stop at Mr. Stratton's office—we all went together; I did not know when we left the hotel where we were going; I don't remember seeing Mr. Stratton there; I believe some one went into Mr. Stratton's back office with uncle Joseph Reeves, but do not recollect who it was; I saw Mr. Oliphant there; I don't recollect seeing Mr. Stratton and uncle Joseph go in his back office, and Mr. Stratton coming out and leaving him there, and sending Mr. Oliphant in; I said nothing that day whilst in Mount Holly to my uncle Joseph about making the lease to me; after we had been to Mr. Stratton's office, uncle George proposed 20  
going to the hotel to have it drawn up; the paper marked No. 1 is not the kind of lease I expected to get from my uncle Joseph. When we went to get paper No. 1 drawn, I told uncle George that uncle Joseph would give me a lease to farm it on shares, in Campion's back-room; there was no one present but uncle George and myself; uncle Joseph, I don't know where he was—he had gone out of the door that leads into the bar-room. Before I left home that morning, I did not say any thing to uncle Joseph about giving me a lease for the farm; on our way up, I did not say any thing to him about it; the morning of the day before we came to 30  
Mount Holly I was talking to my uncle Joseph about making me a lease for the farm; we agreed upon the terms; he talked the same as any other man would that was in liquor; I put the question to him about having the farm, and he said I could have it just as I wanted it; the terms were, that I could have the farm on shares, or he would give me three hundred dollars a year for my services; I agreed upon either of the terms, it made no difference to me. When uncle George came up, I told him uncle Joseph had agreed to let me have it on shares, or for \$300 a year; I asked uncle George, when at Campion's, which I had better do; he said I had 40  
better not have either—he could draw up an agreement that would satisfy both; George read the paper, No. 1, to Joseph, and Joseph

said nothing; I do not remember that uncle Joseph said that he wanted to read the paper before signing it; I recollect of his looking for his spectacles—he did not find them immediately; uncle Joseph did not say he left his spectacles at Mr. Stratton's office—he said he had lost them; I went after them to Mr. Stratton's office—the door was locked, and I came away without them; uncle George went after them, and found them; he did not sign the paper until he got the spectacles; I do not know he read it—he looked over it; after he looked over it, he did not say it was right; 10 he signed it, and then signed my name underneath it. That day we were at Mr. Stratton's office, we three, uncle George, Joseph, and myself, went to Mr. Reeder, the stone-cutter in Mount Holly, for head and foot stones and railing; they were procured by uncle George and Joseph together—they both consulted together; I believe uncle Joseph told Mr. Reeder to make out his bill, and he would pay it; uncle George proposed to go to the stone-cutter's; we went to the burying ground, Mr. Reeder, uncle George, Joseph, and myself, to see the stones on his father's grave; while we were there, Joseph said, there lay his mother and father, and there was 20 a place for him; he stood there and cried. I don't know when or by whom the meat was brought to the hotel; I don't know who bought it—it was fresh meat; I have no recollection of his stopping and buying meat as he was going down to Mr. Stratton's office. I afterwards made a bargain with uncle Joseph Reeves for the farm; I entered into a lease with him for it; it was after the will was written longer than a week (I don't recollect whether it was a month or not).

Paper marked *Exhibit B* on part of the probate, being shown to witness—that is my handwriting; this is the lease executed by 30 Joseph Reeves and myself—it was executed about the 5th of last December; the reason I did not go and get the will at Mr. Stratton's office, when uncle Joseph told me to, was because he told me he had left me \$500, and I thought it was not my interest to get it for him to tear up; if there had been \$500 left me, I should have thought it was a pretty good will, as far as I was concerned; I thought it would have paid me for my trouble. I have received money for my services on the farm—I don't remember how much; Judge Buckman paid in the neighborhood of fifty dollars for my services on the farm. The reason Joseph Reeves was not compe- 40 tent to transact business the morning he came to Mr. Stratton's office was because he had been drinking; he had a pretty good load on, I thought; I think he was intoxicated at the time he was at

Mr. Stratton's office; I don't think he staggered; I think he was so much intoxicated that it rendered him incapable of doing business; I did not hear any thing in his talk that indicated intoxication; I did not hear him talk, on that day, of going down to Mr. Stratton's office; he showed his intoxication in the face and eyes.

I hired John Thompson to work on the farm and a colored man that lived on the road opposite John Thompson, and another tall slim colored man; I don't recollect their names; I hired them myself; I have paid him some money—sold him some whiskey and pork; I got the money to pay them out of the house; I took the money from uncle Joseph's trunk; I asked uncle Joseph's permission; when hands wanted money, I told him they wanted money, and told how much, and he told me to get it, and I would go and get it and pay the men; I have collected money for him of Shreves, at Mount Holly and factory, for wheat—can't tell how much I sold the wheat for; I don't know whether it was before or after the will was made—it was after it was thrashed out. The night uncle George came up I can't tell what time he and uncle Joseph went to bed—I went before them; they were both up next morning before I was; he had been more sober before I sent for uncle George, but had commenced drinking again; he stayed about the house; in the afternoon he would go and lay down; the day we went home from Mount Holly I drove home; we got in the carriage in the yard; uncle Joseph got in first; always when he did get in the wagon at home there was some one to help him in; I don't remember whether any one helped him in or not at that time. Uncle Joseph left some nephews in Ohio, children of his deceased brother John Reeves. Sometimes uncle Joseph shaved himself, generally about the time he came to Mount Holly; he shaved himself then—I mean the girl washed his face and neck; she washed him with her own hands; she washed his hands; it was done pretty much all the time I was there; I don't know that she washed him every morning; I never saw him wash himself; I saw him wash his hands at the pump; I never saw him wash his face; after he shaved himself, he would sit down, and the girl would wash him; sometimes the girl would shave him when he was too much in liquor.

Again re-examined.—This girl had lived in his family many years; when I first went up to uncle Joseph's I merely went on a visit to uncle Joseph and other relatives; my wife did not go with me—I went alone; while I was there, he first proposed for me to come with him, and stay on the place; I gave him no answer

whether I would come or not. I went to Philadelphia to consult my uncle George, and he advised me to go there, and do the best I could; it was after this I took my family, to make as much as I could whilst I was on the farm. I remember writing twice, if not three times, to my uncle George to come up. When the paper, No. 1, was drawn at Champion's, I told uncle George I would rather have the farm, and he told me that he was talking with uncle Joseph, and he said he thought he would not be willing for that, I had better take the \$150; he told me if I went for the one hundred and  
 10 fifty dollars, I could make more than if I had the farm or \$300, for he would give me presents; he told me I could get more that way; he told me if I took the three hundred dollars he would think it too much, and he might get in a passion, and clear me out; he told me if I would take the \$150, if uncle Joseph did not pay me he would stand good for the \$150. Whilst this conversation had taken place, uncle Joseph had gone out of the door into the tavern.

Lease marked *Exhibit B* shown witness—I got the lease drawn; I got Mr. Merritt, a lawyer here, to draw it down at Joseph Reeves' house; I went after Merritt on Saturday, and he came on  
 20 Monday; the reason I had the lease drawn, I thought it would pay me better than the \$150, therefore I got the lease. After my uncle's death, my uncle George bought it of me—gave me \$10 for it; after I had the lease, he told me I could have it for one year or ten, and I preferred taking it for one on trial. When uncle Joseph wanted me to come and get the will, and tear it up, he was in a passion with aunt Hannah Reeves, and more time with myself; he would get in a passion with my wife, and wanted me to go after it; sometimes he would get in a passion with the hired girl, and tell her he would cut her off short, and would not give her a damned cent, and  
 30 wanted me to go after it. I am a relation to aunt Hannah; she had went to Philadelphia, it appears, and was talking about him to uncle George; uncle Joseph said it was none of aunt Hannah's damned business—he said he would not give her any thing, and he would tear up his will, and she should not have any thing; he also threatened to cut me off, also, when he was in a passion; this was after we had been to Mount Holly, and had the will written. Uncle Joseph was on good terms with his brother and all his sisters—I don't know that he ever had any quarrels with them; they were in the habit of taking care of him; my mother was at the place before  
 40 I was there taking care of uncle Joseph; whilst I was there, aunt Elizabeth came there to see to things, and advised me what to do, and moreover I would go over there, and ask her what to do;

when Joseph was sick and in bed aunt Mary was there, but not often; aunt Elenora came there once; uncle John Rue came and assisted him to put in the wheat, and showed how the wheat should be put in; I don't think uncle Charles assisted any whilst I was there; these visits of the brothers and sisters were of friendship and kindness.

Again cross-examined.—When my uncle Charles was down there he was not engaged in any business that I know of; uncle Charles, his wife and children, were boarding in Mount Holly whilst I was living there. Witness says he don't know where his 10 uncle Charles lived at that time. I went to Mount Holly to pay uncle Charles some interest money, I recollect; I went to Davis' hotel, and found him there; I don't know whether he boarded there or at aunt Hannah's—there is where I saw him; uncle Joseph owed him the interest money—can't tell how much it was; I know it was less than \$100, may-be less than \$50. My uncle George told me, when I got the money, to take and pay it; uncle Joseph did not tell me to pay; I told uncle Joseph, in the morning before I started to pay, that I was going to do it—he said, very well; I can't tell what month it was in, but it was a little cool; I think that 20 money came from the wheat. I do not recollect of any will ever being drawn at my uncle Joseph's house; I never knew any one to take a will to him, and ask him to sign it. Uncle George did not give twenty dollars for the lease—it was four \$2½ pieces. I shall be twenty-one the sixth of next February; I married my wife in Philadelphia; she knew nothing of a farm; I have no trade; my father is a boot manufacturer; I attended to treeing of the boots—ever since I left school I attended to that.

Re-examined.—I was on a farm in Pennsylvania six months; I went there in the spring, and came away in the fall—it was Tobias 30 Sanders' farm; I suppose I was about fourteen or fifteen when I was there; my health is rather feeble now. When we went to get the railing, uncle Joseph wanted to have uncle Charles to join in with him, and uncle George objected; uncle Joseph allowed they could get them cheaper; uncle Joseph told uncle George that uncle Charles had told uncle Joseph that they would get them both together, and get them cheaper, as uncle Charles had a lot adjoining.

J. B. HELLERMAN.

Sworn and subscribed, in open court, October 27th, A. D. 1854, 40 before me.

GEO. HAYWOOD.

Joseph R. Evans, being sworn, deposes and says—I was acquainted with Joseph Reeves in his lifetime; I was at his house frequently during the summer and fall of 1853—I went there to see the family. I knew Charles Stoy—he was there during the summer; his family was there a little while, not long; Stoy was at work on the place when I saw him. I saw Joseph when I was over there at these times—he was generally intoxicated; I never saw him sober in my life; I did not consider him capable of doing business—he was deranged and drunk; I recollect of being there the last 10 of August and first of August—the last of August he was deranged; he said the fences were all falling down; I did not see any thing the matter with them; he was up, but was not capable of taking care of himself; I several times rendered assistance towards taking care of him; I helped lead him in the house; he would lay in bed; I helped hold him in bed myself; he had the *mania potu*—this was the latter part of August; I was not there continually, but several times; he frothed at the mouth, and said his mother was going to come back, and was going to kill himself; I was not there over a day at that time; Byron Hellerman was there taking charge of the 20 place at that time; Charles Stoy was there that day I was with him, to keep him from making way with himself. I had an interview with George Reeves in Philadelphia the fore and latter part of the month of August; I went there to see about renting or taking Joseph's place on some terms (the first time); I am a farmer; I went to see him about renting or taking the farm on shares; he said I had better wait a while, Joseph could not live long; he told me there was no use going to Matson or Charles Stoy, for they could not get Joseph to do any thing; he said he could get Joseph to do any thing he wanted him to; he said, if things worked as he expect- 30 ed, he would have all the business in his hands; I told him I was anxious for a place; told him I did not know where I was going; he told me I had better wait a little while longer; he told me that Joseph was not capable of doing any kind of business; George said he had a power of attorney to act for Joseph; I supposed, from what he said, he had it about a year. I was down in Philadelphia twice to see George about the farm; I said this morning I thought it was about the latter part of August, but I think it was after that; it was after the day when I was there and helped take care of Joseph when he had the attack of *mania potu*. I found 40 George in a wholesale store, his and his partners; I asked him about the place again; he told me there was no use to talk to Joseph any thing about it, for he did not know what he was about

five minutes at a time ; he told me he would be up in a short time, not to be in too big a hurry about it ; he told me there was no use to go to Stoy or Matlack about it, for they had nothing to do with it ; he said Joseph was not capable of doing business, for he was out of his mind a good deal of the time ; he said Joseph drank so much he was not capable of doing any kind of business ; he was talking about Charles Stoy ; he said he could do any thing with Joseph he pleased—could turn him in any way he pleased. George did not agree to let me have the place that day. I talked after that with George about the place in the barn ; next morning after Joseph's death we had the talk in the barn ; he did not give any grant of the farm exactly ; we were talking about trading horses ; he said, if things worked as he expected, he should have every thing in his own hands ; he said Joseph had not been capable, nor he did not consider that he was capable of doing business ; he did not mention any time back. 10

Cross-examined.—I lived at Hartford, Evesham township, during the year 1853 ; it may be four miles from where Joseph Reeves lived ; I had known Joseph about a year ; I was there at different times ; I may have been there twenty times during the summer and fall of '53 ; I will say I was there ten times ; I could not tell what time in the year the first time I went there ; I was acquainted with Mr. Reeves ; I went to see the family ; his family consisted of Joseph Reeves, his mother ; a man lived there by the name of Thomas, a girl by the name of Hannah Armstrong ; I don't remember any more at that time ; I went to the whole family (no particular one), just to make them a friendly visit ; I had no other object in view, as I know of ; \* \* \* \* it was three or four months before I went there, and he was in the way he was. I became acquainted with Joseph Reeves at his house, in 1852. Sometimes I used to be a going about with horses to sell folks ; I had a small drove of horses at that time—there was two or three in the drove ; my business was dealing in horses at that time. I am acquainted with Hannah Armstrong and the man Thomas about the same as I am with Mr. Stratton. I don't recollect ever having spoken to Mr. Reeves or Hannah Armstrong before ; I have spoken to Thomas before ; I can't tell how long it was before I went in '53 ; I stayed there two or three hours ; Joseph was doing nothing, he was drunk at that time ; I talked with him some, not a great deal ; I can't tell you what I talked about now. I tried to rent this farm of George Reeves after his brother Joseph died ; he did not want to rent it to me then ; he said, if things worked as he expected, he would tell 30 40

me more about it; this was the morning after Joseph died. I applied to George to rent the farm the morning after he was dead; he told me I had better look further—he expected there would be a fuss; this was from ten days to two weeks after Joseph's death. Stoy, Matlack, and the others all gave their consent for me to go on the farm, if I could get George's consent. George had let me the place once, and said I need not look any further; he told me, if I took the farm, I must give him security for the rent; I never offered him security. I am now living near Medford, on John N. Reeves' farm. I know Jediah Taylor was on the Reeves' farm—he went there last spring some time. The first time I went to Joseph Reeves' I did not ask him to buy a horse; I had them there, but did not ask him any thing about them.

Re-examined.—Whilst I lived at Hartford, I lived very near to Charles Stoy—had lived in his family at one time; when I went down to the farm in '53, I went to see Charles Stoy a good deal of the time after he had gone down to take charge of the farm.

Cross-examined again by probate.—I don't know how long that Charles Stoy was at the farm—he was there to take care of Joseph, and see that he would not make way with himself, and take care of the things. George was very much afraid, from his talk to me, that Stoy wanted to make a will, but it appears it was George that wanted to make the will. I dare say that Charles Stoy was there at the farm, in 1853, a month, taking care of the crops; I never went there but what I saw him to work; it was in July.

JOSEPH R. EVANS.

Sworn and subscribed, in open court, October 27th, A. D. 1854, before me.

GEO. HAYWOOD.

30 *Hannah Ann Armstrong*, being duly sworn, says—I lived in the family of Mrs. Reeves before her death, and with Joseph after her death, and up to the time of his death; I lived there nearly twelve years; I was hired there as a hired girl. Mrs. Reeves died the second day of May, 1853. Joseph was an intemperate man before and after the death of his mother, and more so after the death of his mother—he was drunk all the time. There was a distillery on the place; he kept the liquor that he drank in the cupboard in the kitchen; it was drawn from a barrel in the cellar; he drank a quart a day; I drew it generally in one of those large porter bottles; one 40 bottle full would not last him a day; I filled the bottle twice a day;

he drank at nights; sometimes he was in his bed at nights and sometimes up; I slept in the same room with him, on a settee; I slept there because I had to wait on him; I gave him liquor through the night; he drank very often through the night. After his mother's death, I mostly took charge of him personally; I did it through a request made by his mother before her death; I washed him and shaved him part of the time; I shaved him twice a week when I done it; sometimes his brother George would shave him when he came there, and sometimes Charles Stoy would. I don't think he shaved himself often after his mother's death; he very seldom washed his own hands, face, or neck—I washed them and his feet; he very seldom washed his own hands; I combed his hair and put on his neckcloth; sometimes he put on his own pantaloons and coat. It has happened that his own bed and clothes has become so soiled that I have had to wash him personally pretty often. I recollect his having the *mania potu*; the first was a very severe attack, it was just before we began mowing in 1853; Dr. Stratton was sent for—I came for him afoot; he never got over it; in my opinion, he never recovered his mind after that; he did not do any thing; he went about cursing and swearing all the time; he frequently made water and done other offices of nature in the house; he would cry just like a child because his people would not come and see him—this was all the time after his mother's death. I don't think it was more than one attack of the *mania potu* that affected his mind so; he has very often had the horn blowed to bring in the men from the field in the middle of the forenoon and afternoon; he said it was so hot it would kill his horses, the men, and myself; we went on about the house as we usually had done; he was in the habit of giving orders; sometimes the men would mind him, and sometimes they went on with their work; I know he was very careless with his money after his mother's death—he would throw it any where about the house and yard; he would get his gun down to shoot us; he got his gun down to shoot his hired man, or both of them; he said he would stab me with his knife, and threatened to blow out my brains with his gun; I was not afraid of him. Charles Stoy kept the account after his mother's death for a while, and then Byron Hellerman came and done it.

He did not attempt to keep his accounts after his mother's death; when Charles Stoy was there Joseph gave the money to Charles Stoy, and he paid it out to us; Byron Hellerman done it after he came—Joseph would give him the money; Joseph attempted to horsewhip me pretty often when he would get so mad; he never

- did horsewhip me—he has attempted it ; he would get mad at me for nothing ; I can't recollect that at the time he did attempt it what his reason was for it ; when he got up at nights he would walk about the house and out doors—I can't tell how far he walked ; he attempted to make way with himself several times ; after his mother's death this conduct was a weekly occurrence ; I can't tell how often it occurred—it was every day—something of this kind occurred almost every day. I recollect that George Reeves came to the house the night before the will was made—I
- 10 don't recollect what time of night it was ; I forget whether George slept in the same room with Joseph that night ; they got up pretty early the morning that the will was made ; he did not shave himself ; he drank liquor before he came to Mount Holly—he drank four times—I gave it to him once ; after he got dressed ready to go, I gave him one ; I helped dress him ; I washed his hands and face that morning ; he put on his shirt himself ; I put on his neck-cloth and combed his hair ; after I had washed him and combed his hair, &c., he took the drink ; his nose bled, and as soon as his nose stopped they started ; the drink I gave him was not quite a
- 20 half tumbler full—he asked me for it ; Byron Hellerman gave him one, his wife another ; I can't tell who gave him the fourth, whether he got it himself or not ; I can't tell who gave it to him ; Byron gave him about the same quantity that I did ; I did not see how much Mrs. Hellerman gave him ; I don't know that he drank in the night preceding ; I saw him get in the carriage himself ; he was intoxicated before he started ; he was intoxicated when he came home that day ; after he came he told me he had made a will ; he said he had left Byron \$500 ; said he left me \$200 ; he left Byron's child \$250 ; he said he left Byron's child \$250 because it was named
- 30 after his niece ; he left his sister Sarah Ann Hellerman one thousand ; no one else that I recollect of ; he was talking about his will, and against George having it, and said he was going to have it broke ; after he had it made, he said he wanted his property equally divided among his family—I have heard him say it several times ; he said he would have his will destroyed, because it was not made to suit him ; I slept on the settee because he wanted me to sometimes ; I did not want to, and he cursed and went on so that I stayed there to pacify him ; I believe he was afraid to sleep alone.
- 40 Cross-examined on part of probate.—I was thirty years old the 25th of last September ; I lived in the family of Joseph Reeves and his mother nearly twelve years. I think Mrs. Reeves was some-

where about seventy at the time of her death ; Joseph always lived at home with his mother during all the time I lived there. John Reeves, Joseph's father, was alive when I went there to live ; he died seven years ago the 15th of last August. Joseph's mother always washed his neck during her lifetime ; she used to wash his face and hands too sometimes ; I have seen her comb his hair frequently—this was a matter of very frequent occurrence during the time I lived there ; she always put his clean clothes out for him, and assisted him generally in changing them ; Joseph's mother used to pet him a good deal ; after his mother's death, I continued 10 to do the little things for him that his mother had been used to do before ; Joseph was taken sick just before early mowing time, I don't recollect the month ; it was not on Sunday that I went after the doctor for Joseph ; the doctor came there the same day I went after him ; Joseph was sick nearly a week ; I believe the doctor continued to visit him some four or five days, but I forget ; Joseph got a little better then, so he was roving about—he was up and about. It was several weeks before the doctor came to see him again, I can't tell how long ; I recollect Joseph had a spell of sickness about the latter part of August, I think it was somewhere 20 about a week that spell of sickness lasted him ; he was considerably better after that spell of sickness. I did not give him all the liquor that he drank at that time ; I can't tell how often he drank in a day—he drank every little bit ; I commenced sleeping on the settee in his room before his mother's death—can't tell how long, but a good while ; I commenced sleeping in Joseph's room several years before his mother's death, not a great while after his father's, I commenced sleeping in his room ; I did not always sleep in his room ; I did not sleep out of his room very often ; the morning that he and George came to Mount Holly Joseph got up pretty early, I can't 30 tell you what time ; we had breakfast between six and seven o'clock that morning ; I guess they did not get off to Mount Holly until between nine and ten o'clock that morning ; Joseph and Byron did not get home till nearly night ; Joseph showed that he was drunk that morning—he showed it in his looks ; he seemed mighty weak—he seemed kind a staggeryfied ; he always seemed heavy eyed, and turned kind a white when he became intoxicated ; his face did not flush and become red often. He could not even get out of his carriage when he came home ; me and Mary Hellerman helped him out (she is Byron's wife) ; Byron was there somewhere ; it 40 was a little one horse wagon, the top turned down, calculated to carry two people. I had no talk with him that night after he came

home ; he went right to sleep ; I do not recollect whether they brought any thing home with them that night—I don't recollect of their bringing home beef or something of that kind with them. He began the next day to tell me about his making a will ; I had not heard any thing about it before ; I did not hear Byron Hellerman say any thing about it when he came home that day ; I don't know how Joseph come to say any thing to me about it ; he generally talked to me about his business ; he told me who wrote the will for him ; we did not talk about it long that day ; he had told me before  
 10 he intended to leave me some of his property ; I have heard him talk about his will after that ; Joseph had not been any better for some days before his brother George came up. Sometimes he did, and sometimes he did not, know his acquaintances when they came there. There was no part of the time between Joseph's mother's death and his own that he attended to any part of the business of the farm ; sometimes he would tell them to do things, and then turn right about and tell them not to do it ; he was not capable, in my opinion, at that time to do any business about the farm ; I can't tell when it was that he done the business of nature about the house  
 20 —it was before and after his mother's death; pretty near all the time when he was in the house he would be a bothering you about it (I mean he would be jawing, and you could not do any thing to suit him); these offices of nature in the house he done before his mother's death, but more afterwards; he was always disposed to grumble and find fault with the people that worked for him, more or less; Mr. Stoy was there for a while after his mother's death.

I forget whether Mr. Stoy was there during the time he was so sick in August. I never did know any one to ask him to sign a will there at home ; I never heard him and Charles Stoy talk about Joseph making a will. When he was sick, after his mother's death,  
 30 he would request his brother George to be sent for ; during his last sickness he asked Byron several times to have George sent for ; I forget whether his sisters made any objections or not to have George sent for after he got so bad ; Hannah Reeves, Mary Hellerman, Elizabeth Matlack, and Mary Rue were there back and forth ; he sometimes did request that George should be sent for after he got so bad ; I believe George was sent for once or twice during this last sickness ; George came ; George did find some fault that his brother was not as well taken care of as he should  
 40 be ; George said that Joseph had property enough to last him as long as he lived, and he wanted him well taken care of ; I took as good care of him as I knew how ; I do recollect saying to George

that I had all the work of the house to do—I could not do any more or better for him. Mary Rue went after aunt Hannah Reeves, and fetched her there, and she remained until after Joseph's death. The time George complained was when the bed-clothes were soiled, and I had to change them and wash his person; this was not long before his death. He would fix a rope to hang himself, and sharpened a knife, and said he was a going to cut his throat; I never saw him attempt to hang himself; I never saw him attempt to cut his throat with the knife he sharpened—he said he was a going to. I have known Joseph and his sisters to have difficulties and disagreements sometimes, but cannot tell what they were about; when he would be angry I have heard him tell his sisters he did not want them to come to his house, and then he would cry and go on because they did not come. 10

Re-examined by caveators.—He once fixed a rope, over in the blacksmith shop, to hang himself; I don't know why he did not hang himself; we did not keep any watch over him, but when he went out, and was gone a good while, we would go out and look for him; I did not see the rope, they only said it was there. I can't tell how long before his death it was that he soiled the bed—it was after his mother's death; it was not at the time he had the sickness in early mowing time. In my recollection, I never heard his sisters object to George being sent for. I did not look at any time-piece the morning Joseph and his brother George left home, when the will was drawn, to see what time it was. He told me the man that was in Mr. Stratton's office wrote his will, but I forget his name. 20

Cross-examined again.—He told me the name of the person that drew the will, but I forgot it.

*Question.* Was it Mr. Oliphant?

*Answer.* Yes, that is the name.

Her

HANNAH X ARMSTRONG. 30  
mark.

Sworn and subscribed, in open court, November 3d, A. D. 1854, before me.

GEO. HAYWOOD.

*Thomas Murphy*, being duly sworn, says—I have lived with Joseph Reeves, as a hired man on the place, a year and over two months; I went there to live in November, 1852; I left there some time in February, 1854; I stayed on the place after Joseph's death

until the vendue; Joseph was drunk pretty much all the time whilst I lived there; he would drink about a quart a day, as far as I can tell; he did not conduct his farming business himself after Joseph's mother's death; Mr. Stoy done it whilst he was there; Charles Stoy attended to his business before his mother's death; Charles Stoy attended to putting in the crop of early potatoes; he also saw to having the corn crop put in; Charles Stoy and Matson Matlack attended to the harvest, and getting it in; Joseph was in the house all this time; he took no part in seeing to this, because he did not  
 10 know what he was doing; he was drunk all the time. Mr. Stoy paid the laborers while he was there. Charles Stoy, wife and children, were there part of the time. Byron Hellerman came there after Stoy had left, or about the time, and took charge of the farming operations after he came there; Hellerman had to give directions and pay the laborers; I lived in the house with the family; I saw Joseph day and night; I was well acquainted with his condition; he acted kind of foolish; he used to swear and curse all hands about—there would not be any cause at all for it; he would throw his money about any where; he would do it pretty often  
 20 whilst I was there; he used to make water about the kitchen, sometimes standing up, more times sitting in his chair; I know he was regardless of decency in other respects several ways, a good many ways; he soiled himself; he did his business several times in the bed, no where else about the house; I saw him on the settee in the kitchen do it once, in the middle of the day, about twelve o'clock I guess; it was in the fall of the year; he did not attempt regularly to conduct his farm whilst I was there; he did not know any thing about it; he never was capable of managing his farm whilst I was there; he never attempted to settle an account with me, nor  
 30 any of the hired men, that I know of; whilst I was there Charles Stoy settled with me; after Stoy left, Byron Hellerman settled with me.

*Question.* Do you know any thing about the state of his mind?

*Answer.* If a man is drunk all the time what mind can he have.

*Question.* Did you ever see him flighty, or any way that way?

*Answer.* Yes, he had a rope going down towards the creek to an oak tree to hang himself; I asked him where he was going with the rope; he said he was going down to the creek; I told him he should not go to the creek, and took the rope away from him and  
 40 took him back to the house.

Stoy and I had to watch him, or else he would make way with himself; this was some time in August, I guess; Charles Stoy and

I had to set up with him all night; this was pretty often the case; the reason we set up with him at nights was because we were afraid he would make way with himself or drown himself, or do something; he was mad about the floor, and went out and run up towards the woods, and Charles Stoy and I had to go after him, and brought him back, and it was as much as we could do to bring him back.

On the same night, after we brought him back, he said some man was hauling all of his goods down about in the creek, and taking them away; he wanted me to go for the sheriff; I have at 10 other times seen him with a rope after I saw him going down towards the creek with a rope; I saw him going into the crib-house just at nightfall—I was standing in the shed; I went over after him—when I was going into the crib-house he was coming out; I went over in about six or seven minutes after I saw him go in; I saw a rope hanging up in the crib-house and slip-knot in it—I was coming right out of the door; he once wanted me to bring the team horses and plows up to Mount Holly; he said he had been long enough here, he wanted to go home. During the time I spoke of this morning of his being in the house, he was part of the day 20 laying in bed, and part not. He told me several times that he wanted his sisters all to have an equal share of his property; I did not hear him say any thing about his brother—this was about a month before he died; I have heard him offer to give Mr. Stoy all of his property, if he would stay with him—it was in May of the year that I was there, I guess; he, Stoy, said he did not want the property—he wanted him to quit drinking, and do better. Before Mrs. Reeves died, she principally directed about carrying on the farm; before Mr. Stoy came there, Mrs. Reeves paid me always; in the spring after I went there Matson K. Matlack sowed 30 the clover-seed—Joseph's mother sent me up for Matson K. Matlack, and he sowed the oats that same spring; he would not have had any crops that year only for Stoy, Matson Matlack, and John Rue; I had a sore finger for about fifteen days, and could not do any thing; this was about the 10th of May. Joseph sent me twice to Mount Holly for Mrs. Stoy and her children that summer; the first time they did not come, and he sent me the second; when I went home without them he began to cry because they did not come; they came with me the second time and stayed a couple of days; at the time he sent me for them, they were boarding here 40 in Mount Holly at Hannah Reeves'; they were down there again afterwards, and Joseph himself came after them; I don't know

how long they stayed that time, I guess about a week or better; I did not come to Mount Holly with Joseph that time.

Cross-examined by probate.—When I went there first, the boss and mistress hired me (I mean Joseph Reeves and his mother); Mr. Stoy used to be there, back and forwards, before Mrs. Reeves died. I guess Mr. Stoy had not any business of his own at that time; during the first fall and winter I was there Mr. Stoy did superintend the business; I can't tell rightly what time it was; I could not tell how long I was there when Mr. Stoy first came to  
 10 superintend the business—he was there back and forwards; the first business Mr. Stoy done after I went there was to settle with me; he settled with me some time in the winter, and paid me some money; when he gave me money, he would put it down in the boss book himself—that is what I mean by saying he settled with me. Joseph Reeves never gave me any money while I was there; I don't know whether he ever put any money down in his book against me or not; Mrs. Reeves never gave me any money when Joseph was by; I can't tell how much money Mrs. Reeves gave  
 me while I was there; I don't know whether she ever gave me  
 20 ten dollars during the whole time I was there; I don't know whether she ever gave me as much as five dollars; I guess she has gave me as much as one dollar during the whole time I worked there; I don't know how often she paid me money whilst I worked there; I can't tell whether she ever paid me money more than once while I worked there; when she paid me money she did not set it down in the boss book. Charles Stoy paid me money a couple of times while I worked there—I can't tell what time he paid me first; the first time Charles Stoy paid me money was after old Mrs. Reeves died—about ten dollars I guess; I don't know any thing  
 30 about whether any produce was sold off the farm that winter. During the first fall and winter I lived there Joseph never went from home, to my knowledge; so far as I know Joseph was always at home. Mrs. Reeves came out of doors, and looked after the stock and directed the work. It was some time in the summer that Mr. Stoy and I had to set up with Joseph—I don't know what time it was; we stayed up about three or four nights with him; I guess he had no doctor attending him at that time; I can't tell whether he had or not—I saw none; he was crazy; I don't know what was the matter with him—I believe it was the *mania potu* that he had; this was about the time he wanted me to bring the horses and  
 40 things up to Mount Holly. During the whole time I lived there, I did not consider that Joseph had any mind of his own; he very

seldom knew what he was about; I don't think he ever knew what he was about while I lived there; during the whole time I lived there he never did any work; he did not plow his corn that summer at all; I do not know of his carting any timber that summer; I know he had a hog-pen and shed built—two colored men built them; I don't know their names.

*Question.* Was Amos Waterman one?

*Answer.* Yes. I know the other's name, but can't think of it.

*Question.* Was Jonathan Allen one?

*Answer.* I believe he was.

10

They were built some time in the summer, after harvest. I don't know who went after them; I don't know that Joseph Reeves went after them himself. I don't recollect of Joseph Reeves taking a stick of timber down there himself to have it hewed. The last summer of his life he was in the bed some time during the day, but more times out of it; I have seen him in bed, but can't tell what time it was, whether morning or afternoon. I know he drank a quart a day, because the girl used to measure it out to him in a porter bottle; there was no one else took a drink out of that bottle; I used to take a drink sometimes myself—not out of that bot- 20  
tle, I got it out of another; I never got any out of the way; I never knew myself to be tipsy. I am a native of Ireland; I have lived in this country pretty near five years; I worked with Charles Stoy before I came to live with Joseph Reeves; Charles Stoy sent me there to Reeves'; I work now for Henry Warwick.

Being re-examined by counsel for caveators.—I recollect of Joseph calling me in during the middle of the day when I was at work in the field; he said he would not have his horses burnt up with the sun, he would not have them there; we did not come in; we did not mind him; he would be crazy at the same time. I re- 30  
collect a colored man being there distilling; I don't know what he was distilling, but the boss said he was burning up all the place, and sent us down to put out the fire; I can't tell rightly what time it was; I did not go down, but some one went down, and made the darkey put out the fire to pacify him.

Cross-examined again.—This was after the time I and Mr. Stoy were setting up with him at night; I can't say whether it was a week or not a week after that.

His

THOMAS ✕ MURPHY.

mark.

Sworn and subscribed, in open court, November 3d, A. D. 1854, before me.

GEO. HAYWOOD.

John Rue, one of the caveators in this case, being offered as a witness in this cause on the part of the caveators, and a release produced, *pro ut* the same, the execution of which was admitted, he was objected to by the counsel on part of the probate. The objection was overruled by the court, and the witness directed to be sworn. The counsel for the probate then proposed to examine John  
 10 Rue upon his *voir dire* touching his interest in this controversy, which the court refused to permit, and the witness was sworn in chief on part of the caveators, who objected to his being sworn on his *voir dire*.

*John Rue*, being duly sworn according to law on part of caveators, says—I am a brother-in-law of Joseph Reeves, deceased. George Reeves was at my house about the middle of July, 1853; I had some conversation with him respecting Joseph Reeves—I was in the barn, and he came into me, and it was a very warm day, and we sat down on the barn floor on some straw, and he asked me  
 20 what I thought of Joseph Reeves; I told him he knew how he was as well as I did; I told him he had been deranged pretty much all summer; he said he knew that—I am afraid of only two men taking advantage of him—I know he was not right; one was Charles Stoy, and the other Mr. Haywood; he said, any time he would come up Joseph would say he (Mr. Haywood) would want to lend him money on his property; Charles Stoy he understood had a will, and had every thing left to him and his children; he had the will down to Haddonfield, and showed it to a man, and he (Charles Stoy) was left executor. Now, says he, I am going to try  
 30 and get a will myself, for, he said, he could make Joseph Reeves do what ever he said, and he was determined that Matson Matlack and Charles Stoy should never be benefited by one cent that Joseph Reeves ever had. He asked me, then, how much I owed on some land I bought of James Hulme; I told him \$1000; now, says he, if you will keep still, and I can get a will out of him, I will insure you enough to pay it off, or \$1000; and the first, says he, I shall have to do is to make mischief between Charles Stoy and Joseph Reeves, to get Joseph Reeves to kick him off of the place; and, says he, I can do that very easy by a letter that Charles Stoy sent me some time back; I don't know how long back; he said  
 40 he had made a bargain with Byron Hellerman to come up and

take charge of the place, for Joseph was not capable of taking care of it ; Byron had promised him that he would blackguard Charles Stoy every time he come there, to get Joseph to kick him off of the place, and he said when he went home he would bring this letter up, and read it to Joseph Reeves.

He was going to Brown's mills to stay a few days before he went home ; when he came back again he said the hired girl had the key of his trunk ; he got the key, and went back again, and I think the next Saturday he came up with the letter. He told me, on Sunday morning, that he took the letter, and read it to Joseph Reeves ; on Sunday morning, me and my little boy went down to Amos Waterman's, a near neighbor, and, as we were coming home we heard a wagon coming along, and we stopped to see who it was ; who should it be but George Reeves, in a wagon, going up to my house after his three children ; me and my little boy got in, and he asked me to take the lines ; now, says he, I am going to read this letter to you ; he read the letter, and, after he was done reading the letter, he said that he had read it to Joseph Reeves, and he cursed and ripped very hard when he was reading the letter to him, but in a few minutes after he began to talk about his friend Charles Stoy. Says he, I am satisfied I can't make mischief between them, for Joseph's faculties are entirely gone. Says he, I will get Hellerman there, and keep him off the place as much as I can—that is all I can do. Joseph Reeves did not all that summer and fall attend to his farming business. In the spring of the year I had to take my horses and go down there and help him plant his corn, potatoes, and so on ; in harvest time I had to send two men out of my field to go down there and help him, and told them Stoy would settle with them for it ; then in the fall I had to go down and help him sow his wheat and crop seed, &c. Charles Stoy was there pretty much all the summer till Hellerman came. The reason Joseph did not help, he was drunk in bed nearly all the time cursing about—sometimes he would come out in the yard and stagger and swear around ; so far as I know, he did not do any thing at all ; he attended to nothing.

At the time of the conversation in the barn, he said Joseph was not capable of making a will, and then he commenced talking about a man making a will in Burlington—I think it was Vansciver ; he had made a will, and left it all to a widow ; he said when he made the will they had to prop him up in bed, and put a segar in his mouth, and Doctor Cole pronounced the man dying at that time—and that will was tried in this court, and they could not break it ;

and that if he could get a will out of Joseph he would defy this court to break it; he said he would have to come up and stay with Joseph two or three days, to get him as near right as he could, for fear the Mount Holly people would mistrust him; he said it would not do to let him talk to people too long, or they would mistrust him, and soon see that his faculties were all gone.

*Question.* From what you saw and have stated, was Joseph capable of making a will in the summer or fall of 1853?

*Answer.* No, sir.

10 [Question objected to.]

[Mr. Dayton, counsel for probate, objected to the whole of the foregoing evidence.]

Cross-examined on part of probate.—The conversation in the barn took place about the middle of July, 1853; I did not make any memoranda of this conversation only in my head; my wife came in the barn, and he told her part of it; I think I did not tell this conversation to any one until after the spree occurred and the will was read; it was after the will was read I told him, George Reeves, he was no man of his word; he told me he would insure 20 me a thousand dollars, and he did not do it—insure me \$1000; I told all hands in the room, after the will was read, the conversation which occurred between me and George in the barn, about the middle of July, 1853; I related the conversation, part of it, on that day as I have here in court, or nearly so. After I found out there was a will, me and Charles Stoy were talking about this conversation. The first day that I and Charles Stoy talked about it was on the day Joseph was buried. I have heard Joseph Reeves say he had made a will several times; he had made several wills. I think it was somewhere just before harvest he said he had a will in Mr. 30 Haywood's hands; he either came up or sent up after it, and got the will; he took me out to see his clover, and told me he had a will, and did not like it altogether, for he had left pretty much all of it to my children, and said he was going to make another will; I think this was pretty much the last conversation we had about the will; but he was always talking about a will—his mind run on wills altogether. I was present when this will was read after the funeral; there was another paper read at that time; I think they got Sutter to read it—I won't be certain; may-be it was Joseph S. Reed that read it at Mrs. Matlack's request; she told him there was 40 an honorable will, and wanted him to read it; it had not been executed; it had been written by Charles Stoy. There was some lit-

tle confusion between Joseph Reeves and his sisters and their husbands; after his father's death there was an arbitration; I mean by confusion, that Joseph and his mother kept a little more than they ought (claims, &c.); Charles Stoy, Matson, and myself objected to Joseph's claim; I don't know about Hellerman; this occasioned some hard feeling between Joseph and ourselves; at the time we thought he had got a little more than he ought to have had. I can't tell the date of the will that was read that Stoy wrote. Stoy made him believe he could write a will, and it was not necessary for him to sign it. This is all hearsay. I have heard Joseph ask 10 Stoy to write a will only once.

The letter that George read he put it in his pocket again; I don't recollect the date of that letter. It was in the spring of 1853, when we were planting corn, I heard him ask Stoy to write his will; he was sitting in his chair drunk, and could not get out. Stoy had no house, and moved his things there, and was attending to his business for him; his family was boarding in Mount Holly. I did not mention this conversation to any one else, except my wife, before Joseph's death, for fear of disturbance in the family; I wanted my wife to tell them, but she would not, for fear of disturbance; I 20 wanted to tell them, too, but she would not let me; I thought it ought to be known, but she persuaded me not to.

It was after the will was read I told George he was not a man of his word; to go to the reality of it, I suppose I was in earnest about saying George was not a man of his word; the conversation we had I mentioned to Stoy on the day Joseph was buried, before the will was read; I told Stoy he had offered me a thousand dollars if I would keep still, and that was the reason why I had not told it before. I think William Hellerman was present at the time—I won't be sure. 30

Re-examined on part of caveators.—After the arbitration was over, the hard feeling that existed went over, and we all came upon good terms again. The reason why that the will Charles Stoy wrote was not executed, was because we did not consider him capable of making a will; that was talked through the whole family. Stoy wrote these wills to pacify him; the persons in the room at the time the will was read were Benjamin Cox, Joseph Reed, Elizabeth Matlack, Charles Stoy, my wife and myself, and Thomas J. Sutter; I think Hannah Reeves was in the room and George Reeves; as soon as the will was read, I told George that he was 40 not a man of his word, and the other conversation we had in the

barn went right on; we all were talking about it, one through another, except George, and he never riz his eyes off of the floor.

Cross-examined again.—Joseph Reeves and I never came to blows—he never struck me; I don't think he ever took off his coat to strike me; I don't remember ever picking up a hammer and saying I'd knock his brains out if he did; he never ordered me off his place. The reason why the will Charles Stoy wrote was not signed was because he was so much like a child they could persuade him to any thing—they told him to go to Mount Holly and get \* \*

- 10 I don't think the value of the property, after the debts are paid, would be much; I don't know of any new debts since the conversation in the barn; I don't think George Reeves knew what the debts were at the time; I don't think there are many debts except the mortgages—there may be some little debts besides the mortgages, some two or three hundred dollars each—it is all hearsay with me; I don't know the extent of the debts besides the mortgages; I don't think he ever told me how much he was worth; at the time of the conversation in the barn, George said he thought there would be something pretty clever. I don't know that George  
20 Reeves wanted his brother to give Judge Haywood a power of attorney to sell his property. I know George was very much against Judge Haywood having any thing to do with the property in Mount Holly; he wanted a power of attorney himself.

The family say the farm is worth about seventy or eighty dollars per acre—I think the deed calls for ninety-seven acres in it; he has some other property in Mount Holly, which I value at \$2000, but the family estimated it at \$3000; he gave \$3000 for it, and the farm I think he gave \$65 for; I may be mistaken.

- Question.* Have you any interest in this matter in controversy?  
30 [The counsel for the probate objected to it, and it was sustained by the court.]

Cross-examined by probate.—I can't say that Joseph done any work on his farm in the summer of 1853—I never saw him do any; I did not see him plow his corn in the summer of 1853.

JOHN RUE.

Sworn and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*John C. Ten Eyck, esq.*, being sworn on part of caveators, says  
—I am one of the practising attorneys of this court. I know that  
40 from my notes of the trial of John Brown, for forgery, the court of

Oyer and Terminer adjourned, on Thursday evening, 22d of September, 1853, over to meet on Friday morning, 23d of September, at nine o'clock, and I believe it then did meet.

JNO. C. TEN EYCK.

Sworn and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*Joseph Reeder*, being sworn on part of probate, says—I reside in Mount Holly; I am a marble cutter; I knew Joseph Reeves in his lifetime; I saw him on 23d September, 1853, in my marble yard in Mount Holly; George Reeves was with him; I believe there was 10 a young man with him—I don't know who it was; on that day I transacted business with him; he selected a set of grave-stones for his mother—I believe it was his mother; we were together at least an hour; we had a considerable conversation; we went from the marble yard to the cemetery; I believe that is the place where his father and mother were buried; we went to look at the stone over his father's grave; I had conversation with him—we were looking at the stone up there, and comparing it with one in the yard that we were looking at before we went up there; when he came back, Joseph thought this stone was wider than the one that 20 was over his father's grave—he stated so, and it was so—it was wider, and not quite so high. I don't know but what he may have looked at railings that were up there; he talked about railings, and looked at designs that were in my shop, and ordered them; he selected from a book of patterns that I had there; he closed a bargain with me for marble posts with iron railings—the whole amount was something like seventy dollars.

I supposed he was capable of transacting business that day; I did not notice any thing peculiar about him—he was sober, so far as I could judge—he looked rather pale; I did not notice of his 30 saying or doing any thing that was not perfectly rational; I don't recollect that he directed me how to engrave the stone; he gave an inscription for it, him and George together; they talked and consulted together, and gave an inscription; when we were in the cemetery, he appeared to be some little affected by his feelings, being at the grave of his mother; it strikes me this was in the morning, I won't be positive; they said something about the inscription, having it the same as the other stone, name on top.

Cross-examined by caveators.—It strikes me this was about ten o'clock in the morning, I won't be certain; I was with Joseph 40

about an hour altogether that day; George and Joseph were together the whole time, and I believe the young man also; George and Joseph consulted together how the work was to be done; I had no personal acquaintance with Joseph at the time; I knew him when I saw him; I believe I was at his house once, and stopped; my mind was not directed to this again until after Joseph's death, and I had heard there was a disturbance.

JOSEPH REEDER.

Sworn and subscribed, in open court, March 27th, A. D. 1855.

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GEO. HAYWOOD.

*William N. Shinn*, on part of probate, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed according to law, says—I knew Joseph Reeves in his lifetime; I have known him for a number of years, but more particularly from the fall of '47. I was the administrator to his father's estate; there was a difficulty between Joseph and some of the other heirs to his father's estate in regard to a claim Joseph made; I believe all the heirs of John Reeves, with the exception of George, objected to his account—I don't know whether George did or not; this resulted in an arbitration; he made out the account, and gave  
20 it to me, and I thought it was a pretty large one, and I did not feel willing to settle it, and Joseph agreed to leave it to arbitration. Yes, it produced some excitement; I recollect meeting him and George somewhere in the streets of Mount Holly, late in the summer or early in the fall of '53, somewhere down town in the neighborhood of the two taverns; I think it must have been in the middle of the forenoon we met, and Joseph and I had considerable conversation. I had in my possession the deed of the cemetery lot; I mentioned to them I had handed over and gave it to Mr. Matlack, I think; Joseph appeared to be perfectly right that day, as  
30 far as I discovered; he was sober; if he had been otherwise I should have discovered it; I had seen him frequently when he had been under the influence of liquor; I should judge he was capable of transacting business at that time from the conversation I had with him; I can't distinctly recollect whether Judge Haywood was with me at that time or not.

WILLIAM N. SHINN.

Affirmed and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*John R. Slack*, being duly sworn on part of probate, says—I was employed as counsel for the heirs of John Reeves, after his death; I negotiated the business between them in regard to the real estate, division of the funds, &c. Joseph bought the farm in the spring of '48, in April, at fifty-five dollars per acre, ninety-seven acres, amounting to \$5335; he also bought the houses and lots in Mount Holly for \$3000; this property had belonged to his father in his lifetime. I drew two powers of attorney from Joseph to his brother George in June, 1853—one is from Joseph alone, and the other from Joseph as executor of Sarah Reeves, his mother, to George; 10 she died in May, 1853; one of those powers of attorney was executed, the one from Joseph alone to his brother George, dated 11th June, 1853; I signed it as a witness, and took the acknowledgment as a master in chancery; it merely authorized him to sell the property in Mount Holly; that power of attorney has been in my possession since its execution.

I went down to Joseph's house on the 11th of June, '53, for the purpose of having those two papers executed. I found, upon inquiry, that Joseph was sick, had been quite sick, but was then better; on learning I was there, he came out on the porch where I 20 was sitting; I told him I had brought the powers of attorney to be executed; I commenced reading them over; I read the one from him individually first; he said that was all right; I then read over the other, and he objected to it—objected to signing it; he said he did not mean to give George power to settle the estate of his mother generally, but only to settle something in relation to it in the western country, the nature of which I did not understand; I do not suppose I have given the words he used, but the substance; he called a woman, who appeared to be waiting on him; she brought a pen and ink, and he executed it, and I came away; I understand 30 that one of John Shreve's sons went out to the west and died there, leaving a family; George Reeves never acted under the power of attorney, to my knowledge.

Cross-examined on part of probate.—I think George and Joseph both came to my office; I think Joseph requested me to draw them in George's presence; I took down a memorandum of what was to be done; I have no recollection how long after they came to my office that the power of attorney was executed, perhaps a week, perhaps two—I should not think less than a week; I think when they first called on me to have the power of attorney drawn up 40 was on the 23d day of May, 1853, when the bond and mortgage from Joseph Reeves to George Reeves for \$857.92 was executed.

I also drew a release. I believe he was not drunk at the time that power of attorney was executed; he had been quite sick and very feeble—I recollect that he looked at the time very badly.

JOHN R. SLACK.

Sworn and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*Charles Haines*, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed according to law, did declare and say—I knew Joseph Reeves in his lifetime—I knew  
 10 him from boyhood up; I lived near him for a number of years of his life; I had business transactions with him for a number of years of his life; I had settlements with him sometimes once a year, sometimes once in two years, until the last year of his life. When he was in liquor he never would transact business or make settle-  
 ments with me. I have went there on some occasions to transact business or make settlements, and found him in liquor; he would be generally full of his nonsense, and make fun, and would not settle, and I told him if he did not care about \* \* I generally owed him. So far as my knowledge extends, he was not in the  
 20 habit of dealing when he was drunk; he and I never made any bargain when he was drunk; in former years his capacity was good, but lately not so good; he used to keep as good a book as common farmers; his mother continued to live with him till her death—she was his housekeeper.

Cross-examined on part of caveators.—I acted as one of the appraisers to his mother's estate, he being executor. I was sent for to come to Joseph Reeves' a few weeks after her death, and I think in the latter part of May; they sent for me to come down that day; I went; I did not know what they wanted when I got there  
 30 that day; there was no one there but Hannah Reeves; the hired man came for me—Murphy; I did not see Joseph that day; I saw Hannah Reeves; she said Joseph was very sick; I told them they had better adjourn it, and I would see William Deacon; they had sent for William Deacon, and he did not come; I told them I would come the next day. I don't think he was drunk; he had a bad spell of sickness; I did not see him that day, but saw him the next day. I can't tell how long he had been sick; the next day when we went there, we went into the room to him, and told what we had come for, and he said he supposed it was all right, and sup-  
 40 posed it was necessary to be done; he was in bed, and did not get

up that day ; Hannah Reeves took us over the house and showed us the goods ; I don't think he signed the inventory ; he had a paralytic stroke—I think he had ; he showed his hand to me, and said he could not write ; I signed the inventory for him, I believe ; I don't think I was ever at his house from this time until after his death ; I don't recollect telling Matson K. Matlack some little time ago that he was drunk ; I might have told Matson I expected his sickness came from an old drunk ; he was pretty well over it then, when we went there to make the inventory. I think the last time I settled with him he did not keep his book himself—I think Charles 10 Stoy, or some one else, kept it ; I think the last settlement we had was about a year before his death, somewhere about January ; the last settlement we had his books was posted up.

CHARLES HAINES.

Affirmed and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*Samuel Risdon*, being recalled, says—On the day the will was executed to which I am a subscribing witness, Joseph Reeves was sober, as I believe.

SAMUEL RISDON. 20

*Joseph B. Oliphant*, being recalled, says—At the time that Joseph Reeves executed the will to which I am a subscribing witness, on the 23d September, 1853, he was sober, in my opinion.

JOS. B. OLIPHANT.

*John L. N. Stratton, esq.*, sworn, says—On the day of the execution of this will I saw Joseph Reeves ; he came to my office ; I was just about starting for court, being then engaged on a trial in court ; he met me in the front room of my office ; he said he wanted to see me ; we went into the back-room of the office alone ; the door was closed by Joseph himself, I think, but of that I am 30 not quite certain ; he said he had some business with me ; I asked him what it was ; he said he wanted me to draw a will for him ; I told him I could not do it then, as I was engaged in court, but if he would come up in a few days, or after the adjournment of court, I would draw it for him ; he said he would like to have it done on that day, as he had left home with the intention of having a will drawn ; I told him if it was a plain will, Mr. Oliphant, who is engaged in business with me, could draw it as well as I could ;

he said he had no objection to his drawing it, if he would draw it right; I then left him, and requested Mr. Oliphant to go in to see him; I don't know whether I stated to Mr. Oliphant the nature of the business or not; in my opinion he was sober—he appeared to me to be perfectly sober. I should have drawn the will if I had not been elsewhere engaged; my refusal to draw the will did not grow out of any distrust to his competency.

Cross-examined on part of caveators.—I was engaged in defending John Brown, who was indicted for forgery; Charles Stoy, I 10 believe, was a juror in that case.

JOHN L. N. STRATTON.

Sworn and subscribed, in open court, March 27th, A. D. 1855.

GEO. HAYWOOD.

*Thomas J. Sutter*, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed, says—I live in Mount Holly; I knew Joseph Reeves in his lifetime—I have known him for thirty-odd years; I was intimate in the family. Paper marked *Exhibit* blank on part of probate, being shown to witness —I believe it is the handwriting of Charles Stoy. I have seen this 20 paper before—I believe it was handed to me by Mr. Stoy in the surrogate's office, in presence of the surrogate; Charles Stoy, George Reeves, Joseph Reeves, surrogate, and myself, were present—it was after Joseph's mother's death; I read this paper to Joseph, at his request; he declined signing any such paper, saying, at the time, he chose to make his own will; I believe Joseph Reeves drew those lines across the face of the will. I had conversation with him after I left the surrogate's office; the reason he drew those lines, he said it was not in accordance to his feelings, and gave me repeated reasons, prior to that, why it was not in ac- 30 cordance to his feelings. The obliterating part was in relation to the sale of the land by executors. It was down at Campion's corner, same day; we were alone; he called me out, and said he wished me to draw his will; his desire was to do more for George than the girls and brothers-in-law, because George was the only friend he had in the family. Joseph and sisters did not agree well; he said, upon this occasion, that he was a going to make a will for himself, and to suit himself; he asked me to write a will for him; I told him to name what he wanted done, and I would write it down; I said he might do it then or some other time, and he said 40 he would put it off a little while. The reason he gave for drawing

the lines was, the girls were all against him, and George was his friend ; I believe he repeatedly made such declarations, that he did not want his farm sold after his death ; this was a farm which belonged to his father and grandfather before him ; I think Joseph lived on the other portion of the farm part of his life ; he has lived on this farm ever since he came of age ; he may have lived a year or two in Medford ; a great part of his life he lived on this farm. I understood the object of the visit to the surrogate's office was to execute this will, and to see his mother's will—he looked at it whilst we were there ; I think I conversed with George Reeves 10 concerning that property in Mount Holly ; I believe that George urged Joseph to sell the property, and borrow money of George Haywood to pay off the mortgage on his farm.

Cross-examined by caveators.—The property was advertised by Judge Haywood some six or seven years ago—it was after John Reeves' death ; the day they were at the surrogate's office was not the day the mother's will was proved—I am quite sure of that, it was long since that ; I was at the surrogate's office the day the mother's will was proved ; I have no recollection of Stoy being at the surrogate's office the day the mother's will was proved ; the 20 subscribing witnesses were with me the day the mother's will was proved, Matthew McHenry, Martha Reeves, Allen Wills ; I think it was four or five years ago when his mother's will was proved ; I was present at the surrogate's office when the will was proved ; I think Allen Wills, Matthew McHenry, I think ; Martha Reeves, I think she was subscribing witness ; I guess Mr. Moore was surrogate at the time ; it must have been some months after the probate of the mother's will ; now I can recollect it was after Mr. Moore was surrogate the mother's will was proved ; I was at the surrogate's office with this paper ; it was within a year after that, 30 as near as I can state ; it was not so warm as to leave an impression with and not so cold as to leave an impression with—I can't say whether warm or cold weather ; I have no recollection of any thing else transpiring that day. I was at the office with this paper after we left Campion's corner ; I went to the surrogate's office at the solicitation of Mr. Joseph Reeves himself, in company with George and Mr. Stoy ; we went there concerning his mother's will ; after being at the office awhile, this will was produced ; I believe I wrote the word shall, interlined, and read it over to him ; he took the pen out of my hand, and drew the lines over the will, 40 then said, damn it, I want to have nothing to do with any of it ;

George and Mr. Stoy were talking ; I have no recollection except George said to Stoy you had better let him make his own will.

I think it was in the forenoon ; it was in the forenoon when I saw him on Campion's corner ; we walked down to the corner ; it was all the same day ; he made no remark of that kind that he left it in my hands to draw another will from ; I don't recollect taking a drink with him that day ; I so often took a drink with him that I don't recollect whether I did or not. The will was left in my possession—no one asked me for it ; if Stoy had asked me I would  
 10 have given it to him. I have said that the reason I had not drawn the will was that Joseph cursed me off so when I said any thing to him about it ; I may have said it to Mr. Stoy ; I saw Joseph Reeves here in Mount Holly after the day I saw him here with this paper ; I saw him at Campion's, I saw him in the yard, and spoke to him ; I don't know what his particular business was ; it was before his death, probably twenty-three or twenty-four months before his death, may-be more than that ; I don't know that any body was with him ; he cursed me off about the will at different times, at his own house and other places, after this will was put in my hands ;  
 20 I repeatedly saw him after that the last time I was down there ; I guess I was not down there for five or six months previous to his death ; I was there repeatedly after his mother's death ; I think the last time I was there was in October, '52, or it may have been in September ; during his sickness he was repeatedly sending for me ; I did not get down there during his sickness ; I was there when Charles Stoy was there ; his family was there ; his wife was there ; I was there after Charles Stoy left. Hellerman was on the place and working about ; Thomas was there—an Irishman ; I don't think I ever talked with Joseph about his will after I left him at  
 30 Campion's corner ; I believe I had some conversation with Joseph about his will—it was always in reference to the will Charles Stoy wrote ; he was talking about this paper as one of the five wills that Charles Stoy had drawn up for him to sign ; he said that he had been hunted up harping at to sign the wills ; he would talk to me to draw one, and I told him I would have nothing to do with it ; I believe I was at the appraisement of Joseph's property ; I believe I walked down to the creek with Mrs. Rue and Mrs. Matlack on that day ; I do not recollect any conversation with these two ladies on that day about Joseph's will ; I have no recollection of ever  
 40 telling them that Joseph was not fit to make a will.

I have no recollection of being down at Joseph Reeves', and on coming back meeting Matson Matlack, and telling him I had been

to Joseph's to do some writing, and his mind was so far gone that I could do nothing with him; I never heard his mind questioned until after the caveat of this will—it was a great surprise to me; I have been down there to do some business, and found him unable to do it, and came away without.

Re-examined in chief.—The reason was because he was drunk.

THOMAS J. SUTTER.

Affirmed and subscribed, in open court, March 28th, A. D. 1855.

GEO. HAYWOOD.

Dr. Benjamin H. Stratton, a witness produced on the part of the 10 probate, being duly sworn, says—I am a practising physician in Mount Holly; I knew Joseph Reeves, deceased, in his lifetime, and was his physician; I can refer to my memorandum book, and tell how often I have visited him during the last year of his life; his mother died in May, on the 23d May, 1853; I visited him; his disease was the effect of liquor, he having drunk very freely after his mother's death and during her sickness; the next visit I paid him was 19th June, up to the 23d; the condition was diarrhœa; I next visited him on August 21st, (his condition was liquor and severe affection from the effect of liquor) to September 1st; the 21st, 20 22d, twice, 23d, 24th, 25th, 27th, 28th, 30th, and 1st September; I visited him subsequent to that on the 6th and 8th of October, and on 23d and 26th. The character of the man's mind when he was not drunk, except when under disease from the effect of drinking, was as usual, except he was under the influence of liquor; I considered him competent to transact business, except when laboring under the immediate effects of liquor; when I speak of the effect, I mean the immediate effect after indulgence to excess.

I recollect seeing him in the fall of '53; I recollect seeing him in front of the marble yard of Reeder; I don't mean I had any con- 30 versation with him; I don't recollect whether it was the day he purchased the tomb-stones or not; his brother and Byron were with him.

I saw him as he drove by; he looked as he usually did when he was sober and well.

Cross-examined.—I was driving along in my usual way, trotting, and saw them and spoke to them; when I called there in May and August it was not the *mania potu*—it was the effect of derangement of mind to a certain extent; it was more of hallucination of

mind from the derangement of liquor than *mania potu*; it did not amount to *mania potu*; the hallucination was similar, but not to a certain extent; it was drinking that produced this derangement; it was a propensity to fur, and derangement of liver rather than *mania potu*; it may be it was the excess from drinking during and after his mother's sickness; I make a distinction between hallucination of mind and *mania potu*; what I call *mania potu* is not only that they do not know where they are but imagine they see snakes.

Re-examined in chief.—I attended him until these temporary ailments were over.

BENJ. H. STRATTON.

Sworn and subscribed, in open court, March 28th, 1855.

GEO. HAYWOOD.

*Joel Haines*, duly affirmed according to law, says—I lived neighbor to Joseph Reeves for a number of years; I knew him intimately and saw him frequently; I saw him during the last year of his life frequently, as often as once a week; I was there frequently about the time this will was executed—I was through there; I had some talk with Hannah Ann Armstrong about the time this will was executed; she told me Joseph had been making a will.

*Question.* Did you ask her how Joseph was when the will was executed?

*Answer.* I did. [Objected to by counsel for caveators.]

After I asked her that question, what condition he was in, whether he was fit to make a will or not, she said, yes, as much so as ever I saw him in the world. I talked with John B. Hellerman; he was the first one who told me that his uncle had made a will—he was over at my house; he told me his uncle Joseph had been making a will; I forget whether it was the next morning after the will was made or not; he told about their going to Mount Holly to make a will and about getting in the wagon, &c.; I asked him what condition he was in; he said he was perfectly sober, had not drunk but one dram before he started. I saw Joseph a little time before they were talking about the will; I had some business with him—it might have been a week or a little more; it was at his house.

I saw Joseph at his house after the execution of the will, he was about right at that time; he was capable of transacting business, as much so as I ever saw him.

[The counsel for caveators object to all the testimony in regard to Hannah Ann Armstrong and Byron Hellerman.]

At this time I had a conversation with Charles Stoy about Joseph. [Objected to by counsel for caveators, and the court admitted it.]

At the time I was there, I asked Charles Stoy where Jo was, as we always called him; he said he was out at the barn and he is now Jo Reeves, and if he was always as he is now things would go on right—out attending to his business; he has been so for several weeks—can't get business enough done; when I saw him he was shutting the barn doors and going about picking up tools or something; I did not talk with him; they sent Hannah out to tell him I wanted to see him; he sent word back he had not time to attend to me, that Hannah must wait on him; the summer after his mother's death, let that be what year it would, I saw him very frequently—I saw him several times at work; at one time I saw him at work at hay, several times spreading hay; I saw him at the creek with his cows; at these times, from any thing I could see, he was as well as ever he was. After his father's death, I have heard him say that his brothers-in-law should never be benefited by any thing he ever had; he spoke of Charles Stoy, Matlack, and Rue; he did not say any thing about Hellerman I believe; he said they opposed him in getting his money from his father's estate. 10 20

Cross-examined by caveators.—It was after harvest I saw Joseph Reeves out gathering up tools—I think it was as late as the early part September; Charles Stoy was there; I don't know what time Stoy left; Stoy was sitting in the door; it was in the evening; I don't recollect what kind of clothes Stoy had on; I was after a gallon of liquor for a special occasion—I had men there that wanted some; one was a painter—I think he was painting house, fences, &c.; I can't tell whether this was the time I had the painter or not; I did not pay for the liquor then; I can't tell whether this was the time I got for the painter or not; I was in the next field adjoining—Joseph was not one hundred yards off; I was within twenty yards of him when I saw him driving up the cows, near enough to talk to him; I was in the next field when he passed me; I do not think I was in the next field all the time when he drove the cows; he had a disposition to quarrel with me; we had a quarrel about my dog going on his cows. 30 40

I was at work at the truck—we had sweet potatoes; I am not able to tell you whether I was at work at the sweet potatoes or

not; I was at this end of the rows; we had a horse and cart out hauling manure, I expect. All the crops in the field came to the lane in rows—the lane runs to the creek; he says to me, what in the devil did you set your dogs on my cows for; I told him I did not do it, the boys did it to drive them out of the field; my impression is we were hauling manure to plant turnips. I inquired into the condition of Joseph about making the will, because I knew what his condition often had been; I suppose I was as near to him when he was picking up tools in the yard about the length of this  
 10 court house; Charles Stoy sent Hannah Ann Armstrong to him to tell him I wanted him; I did not hear him tell her he was busy; that is what she said; I don't think I saw him when I went away from there, if I did, I did not speak to him; Matson K. Matlack and myself are upon good terms, for any thing I know; there is nothing on my part.

Re-examination in chief on part of probate.—Matson K. Matlack and myself are upon good terms; after the death of Joseph's mother I lent him fifty dollars; I can't tell how long, I think it was soon after his mother's death; I did not take a note; he paid me,  
 20 at my house, again in the fall; he was sober and right and as capable of doing business as I ever saw him; when he paid me the money, he said here is your money in gold, as good as it was when I got it; when he borrowed the money, he said, if you will give me a pen and paper I will give you a note for it; I said it is not worth while—when you get the money you can pay me.

Cross-examined again.—She died in the spring—this was some time in the summer; I took no note; I fix the time from its being some time in the warm part of the season. Joseph told me he wanted the money to pay some debt of some kind, I don't know  
 30 who it was to; I was in my house when he paid me, or in the shed rather; one thing makes me recollect it was in the fall, I was tapping a barrel of molasses at the time; the reason I know it was in fall is I don't like to buy molasses in summer, because I bought once in the summer and it soured; one thing I know, he borrowed this money early in the season, and he had it a good many months; I don't recollect the time of the day when he paid me; directly after this, one of the women about his house spoke to me, and asked me if he had paid me the money; I told her yes; she said she was afraid the money was not paid; Hannah Reeves was the woman; Joseph was  
 40 then dead.

Affirmed and subscribed, in open court, March 28th, A. D. 1855.

GEO. HAYWOOD.

The counsel for probate offers in evidence a certificate from under the hand and seal of Samuel Smith, dated March 29th, A. D. 1855. This is to have the same validity as if the books were offered in evidence.

Counsel for probate rested.

The following testimony objected to on part of probate.

*George Haywood*, esq., sworn on part of caveators by judge of said court—Paper marked *Exhibit B* on part of caveators, being 10 shown witness, dated March 4th, 1853—This is the will, and only one I ever wrote for Joseph Reeves; that was executed at the time it bears date, by him, in my presence.

Cross-examined on part of probate.—Joseph Reeves got this will from me himself; I had it some little time in my possession; it was some time after his mother's death, not a great while after; I think there was some one with him at the time he got it, but I don't recollect who it was with him; he was perfectly competent to make a will when he executed this—not so much so though as when he dictated it; he stepped out in the mean time, and had 20 been taking something.

GEO. HAYWOOD.

Sworn and subscribed, in open court, March 28th, A. D. 1855.

EDWARD TAYLOR.

Counsel for caveators offered paper marked *Exhibit B* in evidence, which was read. [Objected to on part of counsel for probate.]

*John F. Moore*, being duly sworn on part of caveators, says—I am now surrogate of the county of Burlington; I was surrogate of the county of Burlington at the time of the probate of Mrs. Sarah Reeves' will, the mother of Joseph; that is the record of the mother's will recorded in book H of Wills, page 149-50, proved 30 on the 23d May, 1853, by Thomas J. Sutter, one of the subscribing witnesses; the other subscribing witnesses were Matthew McHenry and Allen Wills; neither Allen Wills or Matthew McHenry were in my office at the time of the probate of that will. I was also

surrogate at the time of the filing the inventory of her personal estate. Book F of Inventories offered in evidence, pages 394 and 5, sworn to by Joseph Reeves on 28th day of May, A. D. 1843; I think at the proving of the inventory Joseph Reeves, George Reeves, and Charles Stoy were present; Sutter was present; I saw a piece of paper with writing on, but could not say that was it. In the first place, Joseph, George, Charles Stoy, and Thomas J. Sutter came into the office for the purpose of proving the inventory of the personal property of Mrs. Reeves, I think either will  
 10 or inventory. Charles Haines came there two days before, and proved the inventory as appraiser; I can't tell much about what took place—I did not pay much attention to it; they were talking about executing a will at the desk; Joseph turned around, and said George did not wish the farm sold; Joseph said, if they could make arrangements among themselves he would rather George should keep it in the family, or family name, or some thing of that kind; I don't recollect whether there was any thing said about paying out to his sister or not.

*Question.* What did you understand by, if you can make an arrangement among yourselves?  
 20

*Answer.* I understood by that George was to pay out to his sisters in proportion to what he received, that is what I thought—of course I did not hear Joseph say so.

Then Joseph handed the paper to Sutter, and said here Sutter, take this paper and write me a will, you know what I want; I heard something about scratching—I heard the pen go, but cannot recollect; I think Mr. Sutter took the paper—Joseph handed it to him; I don't recollect any thing else about this.

JOHN F. MOORE.

30 Sworn and subscribed, in open court, March 28th, A. D. 1855.

GEO. HAYWOOD.

*Aaron Haines*, sworn on part of caveators, says—I am a painter by trade; I done some painting for Joel Haines on August 25th, 26th, and 27th, 1853, and also on the following Monday, 29th, at his house; I recollect going over with Joel to Joseph Reeves' whilst I worked there—we went over on Friday evening, which will make it the 26th—went after a half a gallon of whiskey; we went over after supper—we eat our supper at early candlelight; when we went into Joseph's the family was eating supper; Joseph was not  
 40 at supper; I saw Charles Stoy there; I saw a woman there they

called Hannah; I think Joel spoke to her, and called her Hannah; Joel asked where Joseph was, and how he was; I disremember who it was answered him, whether Mr. Stoy or this lady—some one answered him, and said he was in the room; I think that Mr. Stoy took Joel in the room where Joseph was. We got what we wanted, we got the liquor—I think Mr. Stoy got the liquor for us.

Joseph did not come out—I did not see him at all; after Joel returned from the room where Joseph was we remained but a few minutes; it was getting late, and we returned home.

*Question.* Do you recollect talking with Joel on the way home 10 about Joseph? [The counsel for the probate objects to any conversation between the witness and Joel Haines, because the attention of Mr. Haines was not called to it when he was a witness on the stand.] *Question* waived by counsel for caveators. When we were there Joseph was not out in the yard picking up tools. It was after dark when we left Joel's house. I have my book of account present to show that this work was done for Joel in August, as I stated; I did not work for him after the 29th of August, nor during that year before.

AARON HAINES. 20

Sworn and subscribed, in open court, March 30th, A. D. 1855.

GEO. HAYWOOD.

Books of account offered in evidence on part of caveators by consent.

The counsel for the caveators rested.

John L. N. Stratton, counsel for probate, submitted the last will and testament to the court for probate.

The cause was argued by counsel.

The counsel for probate finished his argument, and submitted the case to the court. 30

The court, having heard the testimony offered, and duly considered the same, do decree that the said paper writing, marked *Exhibit A* on part of probate, is not sufficiently proved to be the last will and testament of Joseph Reeves, deceased, and that letters testamentary do not be granted unto George Reeves, the executor therein named. And the court do further order and decree, that the costs of the proceedings in this case be paid out of the estate of the said Joseph Reeves, deceased.

By the court.

JOHN F. MOORE, *Surrogate.*

March 30th, A. D. 1855.

