

Prerogative Court of New Jersey.

SAMUEL PANCOAST and JOSHUA BULLOCK,
executors, &c., appellants,

and

ELLEN GRAHAM ET AL., respondents,

*On appeal from the
Orphans Court of
the county of Bur-
lington.*

MAHLON HUTCHINSON and JOHN L. N. STRATTON, *counsel for appellants.*

GARRET S. CANNON and JOHN C. TEN EYCKE, *counsel for respondents.*

Copy of the written evidence taken down by John F. Moore, surrogate of the county of Burlington, in the above stated case.

John W. Tindall, being duly sworn, did depose and say—I live in Bordentown; I have been acquainted with Lewis W. Pancoast, I guess, about two years; I never was acquainted with him until I moved into Bordentown; I was called upon to witness his will. A paper writing, marked *Exhibit A* on the part of the probate, being shown to the witness—the name purporting to be John W. Tindall is in my own proper handwriting; I saw Lewis W. Pancoast write his name to that paper, and acknowledge it himself. I signed my name as witness in the presence of Lewis W. Pancoast; it was at the same time that Lewis W. Pancoast signed his name to the will, and executed it. William H. Atkinson and James C. Carman did sign their names as witnesses to the will, in my presence and in the presence of the testator; he signed and acknowledged this will in the presence of William H. Atkinson and James C. Carman at the same time they did; he laid his finger on the seal, and acknowledged it to be his last will and testament; we were all three standing present at the same time this was done; it was on the eighteenth day of April, 1853, that it transpired; he was of sound mind at the time; he was as much so as I have seen him since I have been there; I thought he was of sound understanding, as much so as I had seen him.

And being cross-examined, further said—I had worked for him

some; he employed me for to work for him—in the first place (I won't be certain) the time he purchased the farm, to put the goods away, runs in my mind it was last winter, I won't be certain; I worked some for him since, repairing up his house, and fences around his house in Bordentown; I worked for him some since, summer before last; I don't think I worked for him this summer; that was pretty much the extent of my acquaintance with him. I never knew there was such a man as Lewis W. Pancoast until I moved there. Samuel Pancoast called upon me to witness this will;

10 it was on the same day, the eighteenth day of April, in the street, not far from my own house, going on his way to the farm; he wanted me to go along to witness a will; gave me to understand something like that—I don't recollect any thing else; it was some time in the forenoon, can't fix the hour; it was after breakfast I went along with him; I generally have my breakfast about seven o'clock, or a little before; I went with him afoot; we walked up together; the other gentlemen were along that signed the will; we went up together; Mr. William Biddle was along with us. Lewis W. Pancoast lived a mile from Bordentown, or

20 thereabouts; we saw nothing happen extraordinary; we found Lewis W. Pancoast in his house, in the front part, as we went in; I did not see him doing any thing, any more than he got up, and spoke to us when we went in; they went to work fixing to make his will; we were in a room by ourselves, the witnesses were; it was done in that room, if my memory serves me right; the witnesses were put in another room by themselves; when we first went into the house, we found him in the front room; I did not take notice particularly; he remained in that room, and we were in another; it was in another room back of it. I cannot tell who

30 remained in the room with him, the door was shut; I left Lewis W. Pancoast and Mr. Biddle in the room when I left; do not know of any body more, and do not know where Samuel Pancoast was; the door was closed when I went out. We all went in together; Samuel Pancoast went into this room with me, and all the rest went in together; he did not leave the room before me; we sat in there until he called us out, and showed us the room where we were to sit; I cannot say how long we were in there, it might have been half an hour or an hour, I do not exactly know the time. I heard not a sentence of the conversation from the adjoining room; Samuel

40 Pancoast came in, and called us out, and said they were ready. I do not recollect of any thing more being said, but went to work and signed the will; I do not know of any thing being said at the

time by any body, more than they entered into the business in the customary manner; they went to work to execute the will, and called up the witnesses; Samuel Pancoast himself called up the witnesses; he called us out, and it was done then. After being called out by Samuel Pancoast, they entered right into the witnessing of the will; Lewis W. Pancoast was standing at the table; I do not recollect that he was there; Samuel Pancoast and Mr. Biddle was at the same table with him; a moderate time after we went into the room, Lewis took up his pen and signed it; there was nothing said after he signed the will, and before the witnesses 10 signed it; I heard nothing said after witnessing the will, any more than common conversation, nothing concerning that business at any rate; I came right off, pretty soon after the business was entered into; all the witnesses and Samuel Pancoast and Mr. Biddle came away with me, and we walked to Bordentown together. It was not long I was in the first room before we went into the other, not over five minutes; I do not recollect of seeing Lewis W. Pancoast, not for a week or two previous to the signing of the will; sometimes he came down to Bordentown afoot, and I had seen him in a wagon; I do not recollect seeing him in Bordentown for two weeks; I can- 20 not say I have seen him for a month certain, but I have seen him frequently; I do not know what time I have seen him, whether in two months or not before; I do not recollect that he did discontinue his visits to Bordentown for two months previous to the execution of the will. It was some time in the winter, previous to the execution of the will, I was at his house, and talked to him; I went out in the peach orchard with him, where his men were at work pulling up old peach trees, some time in February or March; I do not know that I had any conversation with him from that time up to the 18th April, when the will was executed. 30

Witness being called again by the probate—Next June will be three years since I lived at Bordentown, if I live to see it; can't tell how long after I came to Bordentown I became acquainted with him; after I became acquainted with Lewis, saw him frequently along; we were well acquainted. I worked for him, and he settled with me himself, and refused once because my bill was not quite right; he attended to his ordinary business himself then; I was in the house until he asked us to take dinner with him; some little while before dinner he wanted us to stay and take dinner with him, at the time the will was executed, and have no doubt on 40 my mind now that he was as entirely capable of doing business at the time as the next person here in the house; to all appearance

he understood his business well at the time; I would not have hesitated to make a business contract with him at the time, and if I had, would not have got any advantage of him.

Cross-examined—I do not recollect any thing he said that day particular; I recollect well the acknowledgment of the will that he done; I recollect that well; he said I acknowledge this to be my last will and testament; he said it of his own accord. I don't recollect of any thing he said that day only about this business; I had no conversation with Lewis that day in particular, except this
 10 acknowledgment, and giving him the time of day as a neighbor. One thing and another was talked about as usual, not a great deal said any how. We remained in the room when the will was executed about an hour, or possibly an hour and a half; we went away directly after the business was through; it was executed in a moderate time. I did not hear the will read, it is not customary; it was not long before we left; we were in the room not more than half an hour, perhaps not so long, at the witnessing of the will, after it was ready. I was seventy-three years of age the eighteenth of last March. When I came to Bordentown to live, I moved off my
 20 farm in East Windsor, near Centreville. Lewis and I had no conversation together; I do not recollect of his having any conversation with the other witnesses, nor with Samuel or Mr. Biddle; we were shut up in the room. I do not know where Lewis W. Pen-coast lived at the time I moved to Bordentown; I cannot ascertain how long I lived in Bordentown before I became acquainted with him; it was warm weather; I got my house done, and moved on the first day of June, when I became acquainted with him; I was not so overly intimately acquainted with him; we have been together, and talked together long before he moved on his farm. I
 30 have seen him walking the streets and several places about town, his places of resort, and sometimes at his lime kilns.

Re-examined by the counsel for probate—Carpentering, coopering, &c., was my business. I own a farm in Mercer county, and a house and lot in Bordentown; the settlements made with Lewis was at Bordentown; he said my account was not right; he told me how to make it right; after he had made it right, he paid me; I do not recollect what time the settlement was made, I did not charge my mind with it.

JOHN W. TINDALL.

40 Sworn and subscribed in open court, November 28th, A. D. 1853, before me.

GEO. HAYWOOD.

William H. Atkinson, being duly sworn, did depose and say— that he resided at Bordentown. I was acquainted with Lewis W. Pancoast during his lifetime; he lived about a mile from Bordentown, I suppose on a farm; I have known Lewis W. Pancoast for twenty years. I was called upon to witness a will for him, paper writing, marked *Exhibit A*; that is my signature; I saw Lewis W. Pancoast sign that paper in my presence, and in the presence of the other subscribing witnesses; it was on the eighteenth day of April, 1853, at his own house; he put his finger on the seal, and acknowledged it to be his hand and seal; he said this is my last 10 will and testament; I believe he did not say any thing else. At the time he signed the paper, he was of sound mind, memory, and understanding. Mr. Lewis W. Pancoast signed his name to the paper in my presence, and in the presence of the other witnesses, at the same time he signed it; the will was executed and signed at the same time, and they signed their names as witnesses in the presence of each other and in the presence of the testator.

Cross-examined.—I have lived in Bordentown since the twenty-fifth of last March; during the twenty years I have known Pancoast, he lived part of the time in Bordentown; he carried on busi- 20 ness there during part of the time I knew him; he lived at Nathan Satterthwaite's; I do not know how long he lived at Nathan Satterthwaite's; I cannot tell how long previous to his death he lived in Bordentown or near there; I have not seen him during the time of his residing with Nathan Satterthwaite, that I recollect of; I cannot tell how long I knew him before he went to Nathan Satterthwaite's; I don't know when he returned to Bordentown to live. Previous to my coming to Bordentown, I saw him frequently when he lived with Peter Shreve; I cannot tell how long he lived 30 there; I do not know if he lived with Peter Shreve immediately after leaving Satterthwaite's; him and Peter Shreve were frequently at my house, when I kept a public house at Mansfield Square, and I never saw him drink any thing there; I never saw him much after he left Shreve's. Mr. Samuel Pancoast called on me to go out and witness this will the eighteenth day of April; I know it was on that day, because I was at work around my house fixing the things; I have no other memorandum of it; I recollect the day well, it was nine, or perhaps half-past nine o'clock in the morning when he called upon me to go to witness the will at my house; I went with Mr. Tindall, Mr. Biddle, and Mr. Carman and Samuel 40 Pancoast. When we went out there I met Lewis Pancoast right at the door, as we went in; he said how do, and nothing passed much;

we went in a room back from the front room, we three witnesses ; some one invited us to go in there ; I can't say who it was positively, whether it was Lewis or Samuel ; I can't tell the time we were in the back room, may-be an hour or hour and a half, all of an hour ; at any rate we passed through the front room to go into the back room ; when we passed through the front, to go in the back room, Samuel Pancoast and Lewis Pancoast and William Biddle remained in the front room ; the door was closed after us immediately ; I cannot tell what these persons were doing in the front
 10 room ; I heard nothing ; I do not recollect what was said previous to going into the back room ; I do not know who called us out of the back room ; I cannot tell ; the same persons were in the front room when we went in ; Lewis was sitting down or standing up ; I think Lewis said nothing at the time, as I recollect ; no other persons said any thing ; I do not know if they did. Lewis Pancoast put his name to it first, and then put his finger on the seal, and said, I acknowledge that to be my last will and testament. I think he took up the pen after we came into the room ; I won't be
 20 certain about that. I saw him write that name there previous to his signing it. I did not hear any person say any thing to him in relation to his signing it, or when he should sign it ; he signed his name without any assistance from any one ; we remained but a very few minutes in the room after the witnessing of the will ; I do not know how long. After the execution of the will, Biddle, Samuel, and I and the other witnesses, remained there but a very few minutes, and he asked us to take dinner with him.

It was between eleven and twelve o'clock that I left Lewis W. Pancoast's house ; this fall a year ago I went to his house ; it was
 30 the last time before the execution of the will that I had any conversation with him.

And being again re-examined on the part of the probate—After the execution of the will, Lewis thanked us, and invited us to stay and take dinner ; he followed us out doors, and showed us the shrubbery, flowers, &c., before we started away ; he talked about his shrubbery in the yard some little ; I would have been willing that day to have made a business transaction with him ; I would have been willing to loan him money that day, if he desired it. Mr. Pancoast lived out on his farm, about a mile from Bordentown, at the time of his death. It was a large farm, about one hundred acres or more ; he
 40 appeared to have the management of the farm when I went to buy wheat of him ; he had no wheat to part with ; I did not buy any

of him; he lived on his farm one year, perhaps, I can't tell exactly, may-be more, before his death. I have lived at the Square all my lifetime; it is about two miles from Bordertown. Lewis Pancoast left no children; his wife died before him; he left only one brother, and that is Samuel, and one sister, her name is Emily Pancoast.

And being cross-examined, says—Lewis followed us to the door, and came off the porch into the yard; I recollect that he wanted to change some flowers with Mr. Carman; he conversed on no other subject, except shrubbery and flowers; I did not see any other persons about the house, except Mr. Biddle and Mr. Pan- 10 coast, during twenty years I have known him; I cannot tell how often I have conversed with him, I never had much business with him, any how; I used to see him frequently in his business at Bordertown; I cannot tell where or when it was he went to when he left Bordertown. His wife's name is Jane, I think her maiden name Graham; I cannot tell when she died; I don't know that I can come any way near the time of her death, several years though; it was whilst he was in the lime business that I had frequently seen him; I never have bought any lime of him; I cannot tell how many years before his death that he quit the lime business; I do 20 not know that I can come any where near it, perhaps ten years or more, I think so.

WILLIAM H. ATKINSON.

Sworn and subscribed, November 29th, A. D. 1853, before me.

GEO. HAYWOOD.

James C. Carman, being duly sworn, did depose and say—I live in Bordertown; I have known Lewis W. Pancoast ever since I was born, or at least since I was old enough; I have lived in Bordertown thirty-four or five years, I was born there. Lewis W. Pancoast lived on his farm, about a mile or little over from Borden- 30 town at the time of his death; I was called upon to witness a will for him; I think it was about the 18th of April, as near as I can recollect.

A paper writing (marked *Exhibit A*) being shown witness—That is my name, in my own proper handwriting; I saw Lewis W. Pancoast sign his name to that paper; he put his finger on the seal, and pronounced that to be his last will and testament, throwing all wills a one side heretofore made by him, or purporting to have been made by him; Lewis W. Pancoast signed and acknowledged the will in my presence, also in the presence of William H. Atkin- 40

son and John W. Tindall; he signed the will in the presence of the testator and the other subscribing witnesses; John W. Tindall and William H. Atkinson signed their names, as witnesses, in my presence and in the presence of each other and of testator; the will was witnessed at the time of the execution of it. At the time of the execution of the will by Lewis W. Pancoast, I believe he was of sound and disposing mind, memory, and understanding, as far as I was capable of judging.

- And being cross-examined, says—I have always known Lewis
 10 W. Pancoast from a boy; my acquaintance with him was as all boys are with men; he lived right in my neighborhood; he lived within a few doors of me until he got married and went to house-keeping; I cannot remember the time exactly he got married and went to housekeeping, it was several years ago; he married Jane Graham, her maiden name I think; he went to housekeeping, in the first place in Teal's row, if my memory serves me right; I can't tell how long he was at housekeeping, further than it was not many years; I do not remember whether he broke up housekeeping before or after his wife's death; I cannot remember when she
 20 died, not within two or three years; after he broke up housekeeping he went to Mrs. Bullock's to board; I don't know what length of time after, whether directly or not; I don't know when he went to Mrs. Bullock's to board; I think his wife was dead. I am not certain he boarded with Mary Bullock after he broke up house-keeping and before his wife's death; I can't tell how long he boarded at Mary Bullock's; I don't know where he went to after leaving Mary Bullock's; he went over in Pennsylvania, or he was away some time, and they said he went over there; I never asked him what part of Pennsylvania he went to; I can't tell the time
 30 he went there; I don't know whether he went of his own accord; I can't tell how long he remained there either; I can't remember how long he was absent from Bordentown, he was away from two to four years; I never saw him until after he came from Satterthwaite's; I can't remember the time elapsed; from the time he went to Pennsylvania until I saw him again in Bordentown, it was several years, though on his return from Pennsylvania, I expect he went to Nathan Satterthwaite's, I never saw him there. Nathan Satterthwaite lived somewhere in the neighborhood of Groveville, somewhere near the creek, on this side the hill; I can't tell how
 40 he come to go there; at the time he was at Satterthwaite's I never saw him in Bordentown to my knowledge; after he left Satterthwaite's, I think he went to Peter Shreve's; Peter Shreve lives at

the mill near Bordentown; I can't tell the time he went there, soon after he left Satterthwaite's, somewhere in the neighborhood of two years; I don't know how long he remained there; I saw him once while he was there, in the neighborhood of a week, after he came to Peter Shreve's; I spoke to him, and he to me, and went on; I had no further conversation with him; I do not remember of seeing him any other time but this while he was at Shreve's; when he left Shreve's, I expect he went on his farm; I do not know whether he went any where else to board or not; I don't know when it was, or the season of the year; I believe he 10 died at his farm, so said; I can't tell when he died; I don't know how long he lived on the farm before he died; I never had a great deal of business with him whilst he lived on the farm; the business that I had with him was, mother had an annuity on a house which Mr. Pancoast owned; during the time he lived on the farm, I can't tell how often, I saw him frequently go by the store on foot; if I was out the door, I passed the time of day; don't know that I had any other conversation at such time. I do not remember seeing him at the farm but twice, to my knowledge; I may have seen him oftener; I once saw him some time in April, I think, in 20 the year 1852, the other time was when I went to sign the will. Mr. Samuel Pancoast called on me to go and witness the will, I think about the 18th of April, some time in the forenoon, somewhere between eight and eleven o'clock; we went some time between those hours; I went there afoot; three of the witnesses, Mr. Pancoast and Mr. Biddle, went with us, five; when we arrived at Lewis' he met us at the door in the hall; he spoke to us, and I shook hands with him, and I think the others did; went in to the front room adjoining the hall. We remained in the front room but a very short time, and then we passed in to the room back of it; 30 I don't remember who directed us to go into the back room; whether Mr. Pancoast, Mr. Samuel Pancoast, or Mr. Biddle; I don't think it was quite an hour we was in the back room; the doors were shut during the time; when we left the room we left Mr. Biddle, Mr. Samuel Pancoast, and Mr. Lewis Pancoast in it; I can't tell who called us out of the back room, some one of them, and said they were ready; when we returned back in the room, the three were there still; I don't recollect whether Lewis was standing or sitting; I know, if he was sitting, he got up; when he signed his name to the paper he was sitting; he pulled up a 40 chair to the table or desk and signed it; he took a seat in the chair at the time. When he made this declaration he made it in a loud

voice, as loud as I am talking, so that he could be heard distinctly by all in the room; I don't know as he did say any thing else concerning the business at the time; after witnessing the paper, we did not stay long; I think I made the proposal, that it was time for me to go home; Mr. Samuel Pancoast, Mr. Biddle, and the other two witnesses, came away with us; he thanked us, and wished us to stay to dinner. Mr. Pancoast lived in the house with Mr. Thomas Fenton, who farmed for him. I think Mrs. Pancoast has been dead as much as ten years.

- 10 Re-examined by the probate—April, 1852, I went out to the farm, to see him about an annuity that was due to me on a house he held or owned; before I got to the house, I saw him in the field, and went across the field to him, and stated my business; he asked me to go to the house with him, and talk about it; he asked me when it was due, said he knew that there was such an annuity on the property; he asked me if it had been regularly paid up; said he had never paid it, and wished to if it had not been paid up; I said Mr. Satterthwaite had always paid it; he said he could not pay me then, until he saw further about it; he must see Mr. Cannon about
- 20 it; he was then living on the farm; he told me then he would be in in a few days, and attend to it. Lewis Pancoast was older than I, perhaps ten or fifteen years; he was a man when I was quite a boy; during the time I lived in Bordentown I was in the habit of seeing him half a dozen times a day sometimes; I suppose during the time I lived in Bordentown, I saw him quite frequently through the course of the day; there was some common conversation in the room after we signed the will; Lewis Pancoast participated in it; we were all talking together; some were talking about one thing some another; we were all in general conversation—all had
- 30 a hand in it. Lewis Pancoast followed us out of the room at the time we left; he walked out in the yard, and talked about the shrubbery, and so on, as men frequently do when a man has as nice a yard as he had, talking about his flowers, roses, and asked us again if we would stay and take dinner with him; after we got out in the yard, he spoke of having a moss-rose, a very pretty one; he spoke of changing roses with me; I told him I had two very pretty moss-roses, and talked about exchanging slips; he told me he would give me any slips that he had if I had not; we were not long in the yard, not ever ten minutes, and passed out; on the day
- 40 of the execution of the will, I would have been willing to make a contract with him; I believe he was competent at the time, as far

as I was capable of judging. I keep a fancy dry goods and trimmings store.

Cross-examination.—My mother had been entitled to an annuity for several years; I never received it but twice myself personally; I was present when it was paid several times; I received a check in Mr. Cannon's office for it once, from Lewis W. Pancoast, and the other time I received it from Samuel Pancoast, I think some time last April, I don't remember what time, whether before or after the will was executed; I think it was after, I won't be certain.

I don't remember how long after the execution of the will that 10 the annuity was paid to me by Samuel; I witnessed the annuity paid to my mother by Mr. Satterthwaite at two or three different times; I suppose he paid the money as guardian of Lewis.

Question. Was Mr. Satterthwaite the guardian of Lewis W. Pancoast, who was at the time declared a lunatic?

[This question objected to, and the court overruled the objections.]

Answer. I expect he was.

I don't remember a word of the common conversation had after 20 the execution of the will. I was acquainted with Lewis before and at the time he went to Pennsylvania, as he was in the habit, at that time, of being about, and going into the street, attending to his business; I expect I don't remember that he was confined to his house some time previous to going to Pennsylvania; I never saw him drink a drop of liquor in my life; I was never in the habit of going where liquor was drank; I never was in the habit of going to taverns; I don't remember a word Lewis said at the time of the common conversation in the room after the will was executed.

JAMES C. CARMAN.

Sworn and subscribed, November 29th, A. D. 1853, before me, 30 in open court.

GEO. HAYWOOD.

Dr. George S. Dewey, being duly sworn according to law, did depose and say—I reside at Crosswicks; I have resided there over twenty years; I am a practising physician; I was acquainted with Lewis W. Pancoast, deceased; I must have known him for fifteen years at least; I have attended him some, as a physician, in the last three years, and also five or six years ago; the first time I attended him he lived at Esquire Satterthwaite's, the second time at his farm; he must have been at Esquire Satterthwaite's some three or four 40

years. I suppose I have heard him repeatedly say that he had been at the asylum at Frankford, Pennsylvania; he was at the asylum at Frankford; I have heard him state how long he was there, but can't remember now; it is more than I can tell how often I saw him at Mr. Satterthwaite's; I saw him frequently there; I have frequently heard him say that he was under restraint whilst there; he told me he had not his liberty there; he told me he was watched by the family, and being prevented from going out of their sight. I have met him some distance from the house, a few hundred yards,

10 walking in a road. Saw him a few weeks, three or four, can't remember exactly, previous to his death, at his own house, or near, in the road; had some little conversation with him, not a great deal; I cannot distinctly recollect what the conversation was then; I had two or three conversations with him, but cannot recollect the date of having them; I had two or three conversations for a considerable length of time, during the winter and spring; I cannot recollect all the conversations we had at the time he was talking about the treatment he had since he went to the asylum, and up to that time he complained to me he had not had the liberty he

20 expected to have when he got on his farm, and the control of his affairs, as he expected them; he mentioned some things to induce me to give him a certificate of his sanity, that he was capable of of managing his affairs; he mentioned some items of produce that his brother had sold without consulting him about, as he thought he should have done; he mentioned his brother had hired another man to supersede the one he had on the farm; he stated that his brother had collected some rents without consulting him about them; he urged these as reasons for me to give him a certificate. I did not give him a certificate; my reason for not giving it to him

30 was, in the first place, I did not believe it would amount to any thing without some form of law about it; in the second place, I was not positive that he was sufficiently restored to warrant it, I mean restored to reason; the conversation that I had had with him at different times led me to believe that he was not entirely restored; his frequent repetitions of the same thing; his memory seemed to be defective; another reason was, the bitter enmity he expressed towards his relations without sufficient cause. I do not know that I can tell you any thing in particular. This was a general conclusion drawn from frequent conversations; one of these

40 repetitions was an injury he said he had received at the lime kilns, that he showed the scars of; he assigned this as a cause for the excitement that led to his being taken to the asylum. If you saw

him one day he told it, and if you talked to him the next day he would be sure to bring it up again, as a cause that led to all his future difficulty; he never admitted he was insane, and admitted he was greatly excited, and assigned this as a cause; he also stated that he took some stimulus after this burn, which added to his excitement from that, and that led to his confinement in Mrs. Bullock's garret, and that was another source of excitement; he would then appeal to me, and ask if it would not make any man mad; during the time he was at Mr. Satterthwaite's house, he could have went away from the house; I have frequently seen him far enough 10 away, although he said he was watched. I did suppose, if the man was entirely himself, he would have gone away, I inferred I would have done so myself; I never had a great many conversations with him after he moved on his farm; whilst on the farm, he would relate the same circumstances that he used to relate in his former conversations; he asked me, at one time, for a certificate whilst on the farm, and he asked me for a certificate at both places; he then complained of not having the entire control of his business, although on his farm; before he was taken to the asylum, he complained of being confined in Mrs. Bullock's garret; he com- 20 plained of being burned in the lime kiln previous to his being declared insane. This conversation he had with me was after he came back from the asylum; he spoke of it after he resided on his farm; he frequently spoke of it whilst he resided at Mr. Satterthwaite's. I attended him on one occasion when he lived on the farm, in the summer of fifty-one; he said he had the chills and fever, as he expressed it; he had some chills about him; the cause that he assigned was different from the cause that I assigned. I had attended him once before for the chills and fever; he said he had a different 30 train of symptoms, he had a very sick stomach, and vomited severely, could not sleep, had a trembling all over, and had pains in his head; he ascribed it to the intermitting fever, and I thought he had been drinking too much, and I told him so, but he did not admit it; went on to tell me what he drank, showed me a small bottle of ale he drank daily, and nothing else; I was fully satisfied that he had taken something else; I knew that would not produce the train of symptoms he had, besides the family with whom he lived supported me in it. When he lived at Shreve's mill, he told me Doctor Longstreet had attended him there for the chills and fever. I am not able to state the latest period he asked me for the certifi- 40 cate; I am under the impression that it was late in the winter, that it was the last winter before he died he asked me for the certificate;

he always told me of his difficulties as a fresh story, and never as spoken of before. I never thought him entirely restored to his mind; at times he did not appear to be much out of the way. I had a little conversation with him the spring before he died of his gardening, but very little, and I believe he did not refer to any of his troubles or difficulties; I think it chiefly applied to his gardening affairs; he looked pale and feeble at the time; I believe I cannot recollect the time he moved to his farm, I think it was in the fall; I have a reason for it, I think he said he had no horses, and said

10 he would get them; he expressed a strong enmity against his connections, his father, brother and sister; he has frequently spoke of the treatment of his father towards him; since his father's death, I cannot recollect of his speaking of the enmity of any other of his relations.

And being cross-examined, says—I cannot recollect distinctly how many times I visited Mr. Pancoast's house during the winter before his death, I think four or five times; I do not know whether that was the fall or winter; those are the only times I was actually in the house, excepting once; I think I was there in the

20 spring; it must have been last spring—it was the spring previous to his death; I think it was near the first of April; cannot recollect; at the time they were running Mr. Lovel's line. I think it was in the course of the latter end of winter or spring '52, the last time he asked me for a certificate; it was the winter before his death the last time he spoke of his not having the control of his affairs; it was not at the time I was attending him professionally; I believe I never had any business transactions with him. I do not recollect any other facts that caused me to believe that he was not

30 entirely restored to reason, I dare say there were several; the last time I met him at the garden, I was in conversation only a few minutes. I suppose it is some seven or eight years ago since he went to Mr. Satterthwaite's to live; he was taken to the asylum before he went to Mr. Satterthwaite's to live; I only attended him in one attack of sickness during the time he lived at Esquire Satterthwaite's; I suppose I paid him five or six visits then; I suppose it was in the year 1845 or 6, somewhere near then; it was the early part of his being at Mr. Satterthwaite's; he did not go immediately from Mr. Satterthwaite's to his farm; I only know

40 from report that he went to Mr. Peter Shreve's, below Borden town; he was there a couple of months, as near as I can judge; this must have been in the fall of '51, I think; during the time he was at Mr. Shreve's, I never saw him; he took possession of his

farm in the fall of '50 or '51; I was to see him two different times; during the time he lived on his farm I visited him at two different periods, but not a great while apart; it must have been in the fall of '51 I first visited him professionally on his farm, cannot recollect what part of the fall; during his first sickness, I was not over there; I think he had chills and fever then; I was called the second time in about two or three weeks, I suppose; during his second attack, perhaps I paid him five or six visits; I did not consider the difference of opinion he had relative to disease as evidence of his insanity; I did not consider his denying that he drank was a cause 10
 for thinking he was insane, the most sane men we have will deny drinking; it is impossible for me to tell how many times I saw him, to converse with him, whilst living on the farm; I passed the house several times a day; I have no date on which to found even a guess; I was not in the habit of stopping every time when I saw him near the house; I was not in the habit of talking with him daily, it was not as often as once a week; I may have, taking the whole year through, conversed with him as often as once a month; I suppose this would apply to the whole time he lived on the farm; sometimes I have talked with him once or twice a day for two or 20
 three days in succession, and then not, perhaps, for two or three months. When he lived at Satterthwaite's, he said the most about having a certificate. I recollect distinctly he asked me for a certificate after he left at Satterthwaite's, I think it was the winter previous to his death, the winter of '51-2, I have not the dates positively; it was in the road opposite his house, there was no one else present; he made a complaint that he had not the control of his affairs, and wished me to give him a certificate to put him in power; he complained of his brother having sold some produce, and collected some money, without consulting him; I think he did not 30
 complain of any body else at that time; I evaded the promise of a certificate, by saying that his brother would not do any thing to his disadvantage; I have no positive data by which to fix the time of this conversation, only the winter of '51-2, because it was a casual conversation, and not connected with any thing else that I am aware of; I have no doubt, but in the course of my professional experience, I have heard persons make a repetition of the same thing a number of times, particularly old women—they will all tell the same stories over and again; I have not heard from persons of good sound mind, that is I mean daily repetition. I saw him at 40
 Bordentown on the day that they were running Lovel's line, and after that, in the course of a week or so, he called me in his house

to show me some papers; on the day Lovel's line was run, I saw him in Bordentown; I noticed nothing wrong about him—it was about the first of April, 1853; he appeared to understand the business going on; we had some talk about the lines; I have no doubt but what he understood the nature of the business that was going on; he called me in his own house to show me the papers, and could not find them; I did not see any thing about him then; I had some doubt about of his being capable of transacting business at that time, and that was the reason why I did not call again

10 to get the papers, which I was as much interested in as him; he said nothing on either one of the occasions that Lovel's line was run, or the subsequent day, which induced me to think he was not capable of transacting business. If I had never heard of or known Lewis W. Pancoast had never been mentally affected, I should not have suspected him at that time of not being entirely sane; there was nothing said or done on that occasion to lead me to suppose so. In as much as I was capable of judging, he appeared to have a just appreciation of the right and value of property, and I was

20 not acquainted enough with his affairs to have a right to judge; so far as I know, he appeared to know those that were with him, and those engaged in the business at the time. I think I saw him once after the visit I paid to his house to look at his papers, and he was in the road, and the men at work in the garden; I had some little conversation with him then relative to gardening matters; he talked rational at the time; there was not much said at the time; he did not say or do any thing on that occasion but what indicated perfect sanity; I remember that he complained to me after his father's death, and saying that his father was accessory to his being confined in the garret; he made frequent com-

30 plaint that his father had not used him as he should have done in business matters; I have treated a number of persons for insanity, I live in a crazy neighborhood, where they inherit it: there are three kinds of insanity—acute general insanity, a chronic insanity, and monomaniac or partial insanity; from what acquaintance I have of his complaint, I should call it chronic general insanity; a patient is frequently restored from it, but not as often as from acute. It frequently happens that a person that has been thus afflicted is restored, so as to enable him to undertake all the ordinary relations and business of life and to manage his business af-

40 fairs, and yet retain for a long time some peculiarity of thinking and acting on particular topics.

Re-examination.—Whilst Pancoast lived at Satterthwaite's I was

in the habit of attending Satterthwaite's family as a physician; I have generally seen him, and conversed with him occasionally. After Pancoast left Peter Shreve's, he then went on to his farm; the last time he spoke to me about the certificate, was the winter previous to his death, while he resided on the farm. I wish to correct the date of running the Lovel line—I recollect distinctly that it was in the spring of fifty-two, instead of fifty-three; the buildings of the Lovel property were put up and occupied during the last summer, this, therefore, could not have occurred the last spring; the buildings were not erected at the time of running the line; I 10 have never examined the scars occasioned from the burn in the lime kiln; I did not doubt at the time he pulled up his pants to show them; I do not recollect any scars, did not examine them minutely enough. One of the causes of insanity has been the use of ardent spirits; the resumption of ardent spirits would be likely to produce the like effect, it would be calculated to produce the same complaint. I saw him quite a number of times after the running of the Lovel line, and attended him during the year of fifty-two, and saw him several times on that occasion. I do not think I would give an original citation of a question over from day to day, in the way Lewis 20 Pancoast did to me; it is not unusual for persons afflicted with insanity to enjoy lucid intervals. Our books divide insanity, as intermitting and remitting; during the lucid intervals, he was enabled to enjoy and transact his business; from the time I first knew Lewis Pancoast I have known him to enjoy lucid intervals; so far as I have conversed with him, I have at times seen him so as he appeared perfectly sane; I mentioned two instances this morning; judging so far as I could see, I considered him to be perfectly competent to transact business; I refer to the whole time of my acquaintance with him; I have conversed with him when he ap- 30 peared as rational as any person at times; during the last interview which I had with him, and which was on his farm the spring before his death, he said or did nothing indicating insanity.

Re-examined.—When I conversed with him for a short period, at different times, he appeared to reason as well as any one admitting his premises, and at other conversations would be wrong; all crazy men will appear rational at times. In cases of acute insanity, men will reason correctly from false premises; acute insanity will not often be attended with lucid intervals.

Sworn and subscribed, November 8th, A. D. 1853, before me,
in open court.

GEO. HAYWOOD.

Doctor Joshua H. Worthington, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed according to law, doth declare and say—I reside at the Frankford asylum; I am the physician and superintendent; I have been connected with that institution about eleven years; I have held that position about four years; at first I was the resident physician of
10 the institution; I held this position about seven years. Lewis W. Pancoast was an inmate of the asylum when I went there, in the year of 1842; he remained there until the year 1845; his insanity was characterized by delusions; the delusions related principally to himself; one of his delusions was, that he had been burnt up in his lime kiln, another was that he had been killed by falling out of a barn, and that he had been in the world of spirits—those are all I recollect; he spoke to me of those things—they were frequent subjects of conversation with him; he was taken from the asylum by his guardian, Nathan Satterthwaite, and I believe he went to
20 side with him; he still continued insane when he left.

Question. Did you think the insanity was fixed permanently, or susceptible of being cured? [Question objected by counsel for probate.]

Answer. I considered his disease incurable.

Question. In your opinion, what was the exciting cause of his insanity? [Objected to by counsel for probate.]

Answer. I believe it was caused by intemperance.

In speaking of these delusions, I think he would say, I have been burnt up in my lime kiln—I was killed by falling off a barn; his
30 belief that he had been in a world of spirits was connected with those accidents; in speaking of his being in the world of spirits, he would say he had been and returned; he would speak of these delusions very frequently; I think he would speak of them without any recollection of having spoken of them before. It is very common for men to speak of them before men that were insane; he would repeat these frequently, show his legs, and speak of the marks where he had been burned; there were no scars of the kind on his legs, to my recollection. It was my place, as resident physician, to examine him and take care of him; at the time he
40 continued in the institution about three years after I went there.

During the time he was in the institution, I should not think him a man capable of disposing of his property by last will and testament with reason and discretion. The general character of his insanity was the delusions I have spoken of, the general impairment of his mental faculties, and especially his memory; the failure of memory is not general, but frequently is an accompaniment of insanity. I have some general recollection of his speaking of the treatment of his family towards him, but I cannot particularly specify what; when he told me about these difficulties he had, he would ask if I did not think it was enough to make a sane man 10
crazy; the references alluding to his family were frequent; he was not discharged from the asylum as cured; his insanity did not come under the head of any of the classes of insanity, as spoken of by Abernethy and other writers; his symptoms were partly the nature of mania, the other dementia; by mania, I mean as characterized by delusions and general excitement; dementia signifies an impairment of the mental faculties. If insanity had been produced by ardent spirits, on partial restoration the recurrence to the use of ardent spirits would be likely to call it back. I do not think there was any improvement in his mental strength during the time he 20
was there; after the treatment he received in that institution for four years, I do not believe there was any hope of his final restoration; he frequently conversed rationally whilst he was there; this did not lead me to suppose he was cured, because many insane persons converse rationally at times.

Cross-examined.—I have never seen Lewis Pancoast since he left the asylum in forty-five; during the whole of the time he was there, I did not consider him capable of transacting the ordinary business of life; I should not consider that he was sufficiently able to comprehend the rights and value of property to enable him to 30
make a contract; I should not consider him capable at that time of conducting the business of the farm property; if my opinion had been asked at the time he left the asylum, I should have said he never would have been capable of conducting such business—indeed there are very few persons who are restored to sanity after four years insanity—there are some, unquestionably. Medical writers do mention that there have been cases cured after a much longer time than four years duration, but they only mention them to note their extreme infrequency; my opinion that this disease was incurable was founded upon duration and the symptoms, and 40
especially the impairment of his faculties; he was under medical

treatment, but not harsh; he was never under any physical restraint; it is a private institution.

J. H. WORTHINGTON.

Affirmed, December 8th, A. D. 1853, in open court before me.

GEO. HAYWOOD.

Dr. Henry H. Longstreet, being duly sworn according to law, doth depose and say—I reside in Bordentown; I am a practising physician; I have lived there going on twelve years. I knew Lewis W. Pancoast, deceased; I became acquainted with him first
 10 at Nathan Satterthwaite's, about '45 or '46; I did not visit him professionally then. I went to Satterthwaite's to take his sister to see him after he returned from the asylum; I had some conversation with him on that occasion, he had the most to say; we had a conversation on a vast deal, as he styled it; having been at the asylum at Frankford, he talked about the treatment; he said he was abused and misused; I cannot give his fancy sketches about it—in relation to the asylum; he pretended to say he had an injury of his knee, dislocation, fracture, or something whilst there; he said they had crippled him for life in maltreating the injury that
 20 he had received at the time; it was general bad treatment that he received; it was not a fit place to send any one. He conversed with me on the subject of falling in the lime kiln, and burning his legs very much; he did not show me his legs; he wished to, but I insisted on his not doing it; he expressed hostility against his family—and we returned as soon as I could; don't remember his particular hostility, or against whom he spoke; I saw him again at Satterthwaite's, the only distinct recollection I have, in 1849. I had a very slight conversation with him; he drew my attention to the injury he had received in the knee, and showed me the limb at
 30 that time; I was called there that night to see a boy who had received an injury, and he drew attention to that subject; I did not examine the limb particularly; I suppose his object was to show me how he was treated at the asylum; I suppose it was so, because his conversation immediately followed upon that subject, causing me to think so; his knee looked as though it had been injured; I did not particularly look at it; I do not recollect of his conversing upon any thing else at the time; I am not positive that he referred to the burn at the time; I cannot define any other time that I saw him when he lived at Satterthwaite's; I frequently saw
 40 him after that; I frequently conversed with him when I saw him on those occasions; his conversations were about the bad Bastille

treatment and the burn he received at the lime kiln; he would tell these things as if he had not told them before; he told me this same story almost every time I saw him—quite a number of times; I can't answer how frequently I saw him; I have not the least idea of seeing him once a week; at those times I saw him he was generally excited; I did not consider his conversations those of a rational man, because the manner of telling them and the frequent repetition, his frequently telling me of things that never occurred—these are my reasons for thinking so; I saw him in the fall of 1851, at Peter Shreve's, jun.; I attended him there professionally, 10 for intermitting fever, chills and fever; I visited him five, six, or seven times, I don't remember, for several days in succession; I was attending other members of the family about the same time; on those occasions I visited him at Shreve's I had conversation with him; the conversation was principally about as I told you—the same story; he frequently repeated it, and then he would describe more at length the hostility against the members of his family, more particularly against his father and brothers, and his sister did not escape; I could not perceive any improvement in his mental powers from the time I had seen him at Satterthwaite's; 20 this defectiveness of mental power consisted in want of memory and these delusions. When I visited at Shreve's, it was after he was restored to his property; I think it was in September I visited him; after he left Shreve's he moved out on the farm that was purchased of Mr. Thompson; I was in the habit of seeing him after he moved out on the farm, and also at different times, until his death; during the year of 1853, I saw him in February, March, and once in May; I conversed with him on very many or those occasions; his conversation on those occasions alluded to the same things, and more particularly to the treatment of his father; he 30 would speak of the asylum perhaps most.

Question. Would he speak of the burn received in the lime kiln?

Answer. Upon these occasions he would almost always.

I was not attending him then professionally; I was attending in the family that lived with him in 1853; if there was a difference in his mental powers from the time I first saw him at Satterthwaite's I considered it not to be very great; if there was a difference, they were more impaired. I attended him professionally whilst living on the farm in his last illness; he died with nervous congestion of the spinal the causes of that disease I took 40 to be excessive drink; during the latter part of his life, I think he was an intemperate man; he died in the fore part of June last;

during the year when I saw him I should pronounce him insane, and every year when I saw him; from the facts that I have stated, and what I saw, I would not pronounce him a man possessed of mind, memory, and understanding sufficient to make a last will and testament, and no other insane man; this answer applies to the whole time I knew him. [This testimony, so far as it I expressed an opinion, is objected to on the part of the probate.]

Cross-examined.—I don't remember when he went on the farm; I don't remember whether it was fall, winter, or spring; the first
 10 conversation I had with him on the farm I don't recollect; but I recollect having one with him in the fall of 1852, a very decided one. I never had any business transactions with him no further than attending him professionally; I do not know whether he had the management of his business at the time he lived on the farm; during the years 1852 and '3 I do not think he was capable of attending to the ordinary business of life; according to my views he was not capable of entering into a contract with judgment and discretion; in my judgment he could not have made a settlement
 20 keep properly a book of account; in my opinion he was not capable of judging the value of property, if you call chattels, hay, and such things as that property. I do believe he understood who his kindred and relations in life were; I should think he had mind, memory, and understanding enough to know to whom his property would legally descend in case he died without a will; so far as I had an opportunity of judging, he would put no value on his property; from the time I first saw him, Lewis W. Pancoast was at Mr. Satterthwaite's till the time of his death; he did not possess
 30 a tolerable accurate idea of the value of his property; in my judgment during the spring of 1853, he had not memory and understanding sufficient to dictate a will to a scrivener disposing of his property; I do not think he had mind enough to go through such an undertaking as disposing of his property; I tried to make a bargain with him to test his mind in the fall of 1852; I tried to make a bargain with him for some hay, or about the price of it; he was complaining that he could not sell his hay; I told him it was very high, it was a good time to sell; he wanted, or pretended very much, to sell it, and would sell it low; that was frequently repeated.
 40 I endeavored and held out every inducement to get a price out of him; at last he referred me to his brother; there seemed to be a timidity in him about setting a price; he said that whatever his

brother done would be right; I did not offer him a price; I asked him if he would take ten or eleven dollars for it; he could not tell; he told me to go to Samuel; he did not tell me he would take that price; we were walking up from Bordentown to Miss Nutt's. I did not really want to buy hay for myself, but for others; I had frequent applications for hay; people often wanted to buy; if I could have got it low, of course I would have bought it; I do not know that I would have bought it myself, but would have sent others to him if I could get a price out of him, and it was low enough. I think he was a little lame during the time he lived at 10 Mr. Satterthwaite's during the latter part of his time. I have nothing against Mr. Samuel Pancoast; he has said he would not speak to me, but has frequently done so since. I have not the ordinary daily intercourse with him that I have with my other acquaintances. I am on speaking terms with him; we do not speak every day we meet. It has been something like four or five years since I understood Samuel was unfriendly towards me; we have not been in the habit of exchanging the ordinary daily intercourse with each other for four or five years.

H. H. LONGSTREET. 20

Sworn and subscribed, in open court, December 9th, A. D. 1853, before me.

GEO. HAYWOOD.

Nathan Satterthwaite, being duly affirmed according to law, says—I was the guardian of Lewis W. Pancoast, deceased; I was appointed his guardian in 1841; I was his guardian for about ten years; he lived part of the time at the asylum in Frankford, and part of the time at my house; he was at the asylum between three and four years, not quite four; he was at my house a little better than six years; he left my house the sixth of June, 1851; he was 30 taken away from my house to Peter Shreve's; during the time he was at my house his memory was very imperfect, he could not remember from one day to another, he could not remember the days of the week; defective memory continued during the time he was at my house; during that time, I did not consider him a rational man, on some subjects he was more rational than on others; after he left my house, he just called there with some persons after some articles; I had some little conversation with him; he wished me to see Mr. Myer, to see what that land could be bought for; it was after he had been restored by the court; I could not perceive 40 any difference in the state of his mind from what it had been here-

tofore ; during the time he was at the Frankford asylum I saw him about once in three months ; at such times I conversed with him always ; he conversed about his being burnt up in the lime kiln, nothing else particularly ; that used to be always his conversation during the time he lived with me ; he spoke of it very often ; he spoke of having fallen from the hay-mow, and being killed, and being drowned, often used to see him talking to himself ; could not tell how often he would repeat these stories, very often, and often to strangers when they came in ; he often asked, when I was going

10 out, where I was going to, often two or three times the same thing ; I gave him the same answer ; he often pulled up his pantaloons to show his feet and ankles ; when he said he had been burnt in the lime kiln, there was nothing looked like fire marks there that I ever saw ; I always shaved him twice a week, sometimes oftener, whilst at my house ; when I prepared for shaving him, he would ask what day it was, he did not appear to have any idea what day it was ; I observed there was some little improvement in his mental condition, as his health did improve whilst he was at my house ; his mental condition was not restored by any means ; he generally

20 went out of sight when he wanted to urinate ; he has often made use of the expression of the bastile ; he was speaking of the asylum ; he always called it the bastile, he said it was as bad as the inquisition in Spain ; during the time he lived with me he had no opportunity of drinking intoxicating liquors, except on one occasion, when we had company, he drank a glass of domestic wine ; it was always kept out of his sight ; during the time he was at the asylum, and whilst he was at my house, he expressed very much antipathy against his family, his father, and Samuel, was always talking against them whenever he was talking about any of his

30 business ; during the time he lived with me he did not appear to have any just idea of the value of property ; he often talked about that piece of ground he wanted to buy of Maillard, I think he had no just idea of the value of it ; he said he would give thirty dollars per acre for it ; he wished to put up his own building himself, a large green-house, and he would go up the Delaware to get his materials, his boards and lumber ; he said he would never get a foot of stuff of his brother Samuel, and he forbid me buying any thing from him for repairs ; I used to get it of him, and not let him know any thing about it ; he told me not to have any thing to do with him

40 or consult him about his affairs ; the Maillard property was some property that laid between our house and the high bridge ; the estimate he put upon the property was not any thing like its value, I

suppose about one half; at no time whilst he was at my house was he under any restraint but so that he could have left it when he pleased, and oftentimes walked to the bridge, about seven-eighths of a mile; my house was two and a quarter miles from Bordentown; when he got there, he could have easily gone on if he chose, but was opposed to going to Bordentown; the bridge was in the direction of Bordentown; he said they were a set of Barnegatters at Bordentown, and he said he did not want to go there.

And being cross-examined, says—Lewis W. Pancoast was restored to his property, as nearly as I can tell, in fifty-one, I do not 10
 recollect the month; I was present at the examination, notice was served upon me to appear before the master; the settlement of his estate was made by arbitrators; whilst he was living at my house, I have called upon him to add up some figures, some of his calculations were made correct, some were not; I made the tax warrant out several times, there would be a good many pages I would get him to go over just to give him employment, and he added it up, sometimes it was correct, sometimes not; at those times he appeared to know enough to add one figure to another to cast them up; whilst he lived with me, I think he had no correct idea of the value 20
 of his property, he used to lay it very high; he said he was worth more than any other man in the township; upon some subjects he talked at times rational, so that strangers would not observe it at first; I have heard him talk of relatives; he knew the members of his own family, who they were; his brother and sister, he used to often talk of them; when he was restored to his property he was represented by counsel; his counsel was G. S. Cannon, esq.; I presume he filed a petition with the chancellor for the vacation of his commission of lunacy; I do not know in whose name the petition was filed with the chancellor; I do not know he applied to his 30
 counsel to take the step; he used to talk pretty hard against him; I do not know who applied to Mr. Cannon to take this step; I, as his guardian, took no steps to prevent his being restored to his property; that property is still owned by Mr. Myer; the present value is about seventy-five or eighty dollars per acre, perhaps more, the way land is selling at this time; there has been a very considerable rise in the value of property in that neighborhood since that time; I cannot give any idea of the increased value since that time; I suppose property in my neighborhood has been selling there since 40
 that time, perhaps, as high as fifteen per cent. advance; I purchased some property of Myer in the immediate neighborhood, not more than a quarter of a mile off, hardly that, from that. Mr. Pancoast

talked of buying; it must be seven or eight years ago; I gave forty dollars per acre for it; in 1851, Pancoast estimated that property of Myer's to be worth thirty dollars per acre, before he left my house and about that time; I only saw him once after he left my house; I am mistaken, I saw him once at Peter Shreve's mill, and once at my house; I saw him both times in fifty-one, perhaps two months apart, once before he was reinstated, which was at the mill and once afterwards at my house; at the time I saw him at my house, and after he was restored to his property, there was
 10 one thing he often expressed a wish to be declared sane that he might make a will before he died, that he might cut Samuel and his sister off; I told him now was the time, as he was considered in the law sane, as he had just previously been decided so; he said I will think about it; he did say something that time that indicated a want of reason; I think that his not answering my question indicated a want of reason; he answered my question that far by saying he would think about it; some things he said he would leave, and come and get them, and afterwards sent and got them; I don't see any thing in this remark that indicated a want of rea-
 20 son; I commenced the conversation on that day about the will, he had repeatedly done it before; he did not tell me that day that he wanted to make a will to cut Samuel and his sister off; on that day it was in reply to my advice to make a will soon, that he said he would think about it, and I never saw him after that day to converse with him; it was in the latter part of the summer of fifty-one, I think.

And being re-examined, says—I did not ask the witnesses any questions at the time of the examination of the
 this examination was nothing I knew any thing about; the wit-
 30 nesses were not cross-examined; I did not care whether they were or not; I was willing to give them up at any time; he went down the road; some wagon met him and took him up; he did not say he was going; he was gone so long I went after him; the property he wanted of Maillard was of a high situation, and that I wanted was low, and not fit for building on.

Question. At the time that you told him to make a will—now is the time to make a will? [Objected to by the probate.]

Answer. I did not consider him capable to do so, but the law did, for it just had been decided so.

40

NATHAN SATTERTHWAITE.

Affirmed and subscribed, in open court, December 9th, A. D. 1853.

GEO. HAYWOOD.

Edward Thorn, being duly affirmed according to law, says—I live in Chesterfield, about a quarter of a mile, or little more, from Mr. Satterthwaite's; I knew Lewis W. Pancoast, deceased; I knew him over twenty years—ever since I was a boy; I frequently saw him during the time he was at Satterthwaite's; I held frequent conversations with him; his conversations were about his confinement, falling in the lime kiln, and being burnt, and his confinement whilst under restraint under his guardian; I suppose we had a good deal of conversation about his father's family, and talking of the damage he had suffered by taking the control of his property out of his hands and having the control of it; he spoke about being at the asylum; he spoke of his being ill treated there; once whilst there, he stated he was ill treated, by being placed in a reposing chair; he was strapped down in it, and his arms strapped down in clamps, as he expressed it. There was a good deal more he said, but I cannot recollect all he said about his treatment there; he spoke of his family disrespectfully, of his father, Samuel, and, I think, a cousin he had, to whom he attributed his confinement and his property being taken out of his hands, or the control of it; he told me he fell in the lime kiln and burnt himself whilst it was red hot, which caused his lameness, and burnt his leg badly. It is more than I can tell how often he told these things, sometimes two or three times a week; whenever I met him, he would repeat it over and over, pretty much the same complaint whenever we met. In the latter part of the time he was at Satterthwaite's he frequently solicited me to take charge of his business, and after I declined, he would avoid me; I did not converse with him the latter part of the time whilst at Satterthwaite's as I did before, perhaps for a few months; he thought, whilst under his guardian, his property was wasting, and thought he was capable of taking care of it himself; during the time he was at Satterthwaite's I did not consider him capable of managing his business; I should think his memory was poor by his repeating one thing over so often; I saw him after he left Satterthwaite's; I saw him in Bordentown a number of times; I saw him also on his farm; I did not see him very often afterwards to have much conversation with him; I went to his house to see him one time whilst he resided on the farm; after the arbitration took place, if my memory serves me right, I think it was in the spring—I mean the arbitrators were settling the business between him and his guardian; the arbitrators were Joseph Satterthwaite, Phineas S. Bunting, and myself; the arbitration took place in the fall of fifty-one; my visit to him was in the spring following,

I think; we had considerable conversation with him when I visited him. In the best of my judgment, his mental capacity was like it was whilst living at Satterthwaite's; the state of his memory was about the same as it was then; the conversation and visit with him was after he had been restored by the court.

I did not observe any improvement in his mental faculties during the time he was at Satterthwaite's, nor whilst on the farm; in his conversations he was incoherent; his conversation was over and over as it had been whilst at Satterthwaite's; he was not able to keep
 10 up a continued conversation about any thing, but would branch off whilst conversing with him; during the whole of this time I did not think him capable of transacting business; he pulled up his trousers and rolled down his stocking to show me, when talking about being burned in the lime kiln; if there was any scar, it was trifling; I could discover very little; when he told me these stories I spoke about he did not appear to know that he had told them before; he called the asylum the bastile.

Cross-examined.—I do not know that I can fix the date when Lewis W. Pancoast first came to Mr. Satterthwaite's; he was there
 20 five or six years; I have no memorandum of it. Lewis W. Pancoast increased in bulk whilst he was there; he looked hearty, but I saw no difference in his mind. The last conversation I had with him at Satterthwaite's, I cannot recollect the exact date of; it was during the time he was there; I don't know that he ceased speaking to me at all; for two or three months, during the latter part of the time he was there, we had some conversation together; he frequently solicited me to have his property restored to him; that is what I meant when he solicited me to take charge of his business; it was during the latter part of the time he was at Mr. Satterth-
 30 waite's; he gave as a reason that his property was a wasting, and thought he was more capable of managing it himself; I declined to assist him; I told him when his health improved he would be reinstated. After that he seemed to resent it; we were always on speaking terms, but he would seem to avoid me; during the last two or three months that he was at Mr. Satterthwaite's we had but very little conversation together, not so much as we had before. I went alone when I went to see him on his farm in the spring of eighteen hundred and fifty two; I went there by the request of a person in Bordentown who had done some work for
 40 Nathan Satterthwaite whilst he had charge of Lewis' estate; this bill was not brought in at the time when the arbitrators settled; I suppose I was there an hour or more; it was in the forenoon; we had considerable conversation. The first conversation

was in regard to what I went to see him about; it was about paying this bill; he, Lewis, had refused to pay it before; I asked him if he was willing to settle the bill; he did not incline to do it; he finally said he had not control of his business; it was John Hankins' bill; I do not recollect the amount of it; I cannot come any where near it. I think he recollected something about the bill; I believe Hankins had called on him; Mr. Pancoast declined paying it because he had not the control of his business, it was in other hands; I think that was the only reason he gave for not paying it; he said that this business was in his attorney's hands (Mr. Cannon), 10 and he further said, that whatever he did about it he would be satisfied with it; he did not appear to have much mind about it, in my opinion; I think Hankins told me that he should have to sue some one for it; he said Nathan or him were the only two that could be sued for it; he told me his business was in his attorney's hands, and then repeated his name. I knew that Mr. Cannon had been doing business for him—he had represented him before the arbitrators; I conversed with him about this business not over fifteen minutes, if that long.

He then took me over his house, and showed me from the garret 20 down to the first floor; it was on the farm that he had purchased, and upon which he had recently moved. Whilst passing around, he repeated over his former grievances; he repeated to me about his father's family, and their interference; he berated them; he talked about certain cousins, I do not recollect their names; about his misfortune of being burnt in the lime kiln, and the disadvantage it had been to him, taking his business from him, and confining him in the bastille, as he called it; he likewise stated he had sustained a loss from Nathan having charge of it; that is the amount of the 30 conversation that took place at the time—I do not recollect the whole of it. I think we were talking about his family; he was in a very pleasant mood; I do not recollect in particular; he seemed to exult in being placed on his farm again, and having his liberty, and talked of his crops, I think; some part of his conversation in relation to his farm and farming operations would appear rational, and some would not; the estimate and value he would set on his crops some were over estimated, and some were not, as near as I can recollect. I don't know that I can define any particular crops he over estimated about his farming operations; I did not go out 40 further than the yard to look at the crops; from his general conversation, I only know he over estimated his crops; this was in the spring of 1852; I think that was the only visit that I ever paid to

him whilst on his farm. I did not see him after that, except occasionally, to speak to him or say a few words; I had no particular conversation with him after the spring of '52 at his farm.

And being re-examined.—During the latter part of the time he was at Mr. Satterthwaite's, I had some intercourse with him besides speaking to him, but not so much as before. In the fore part of the time, before I refused, I did converse with him a good deal, but in the latter part of the time not so much; for the first two or three years he did not say so much about his business as he did the
 10 last two or three years. He had been two or three years at Satterthwaite's when he first spoke to me about taking charge of his business the last time; as near as my memory serves, it was about two or three months before he left Satterthwaite's that he talked to me about taking charge of his business. He wanted me to undertake his business, and get him reinstated in his business; the reason why I did not accede to his request, was because I did not think him capable of taking charge of it. He had his liberty whilst at Satterthwaite's, as far as walking backwards and forwards on the road near my house; I think he walked sometimes on the other road towards
 20 Bordentown. Whilst returning from Bordentown, I have met him some considerable distance from the house; I don't think he was able to walk to Bordentown at the time; he did not appear to be under any restraint preventing him going to Bordentown. When I told him he would be restored to his property when his health improved, I did it to pacify him, and not touching on any thing further; (I meant by health his mental health). The part of the conversation we had at the last time I was at the farm was about his grievances, crops, &c. When he over estimated his crops, he was talking about the crops he would raise on the farm; he said he
 30 would raise so and so; I thought he over estimated what they would produce.

Re-examined by the probate.—Whilst I was at the house, I had no authority to settle; I merely called at Mr. Hankins' request to speak with him about it; I had not the bill with me.

EDWARD THORN.

Affirmed and subscribed in open court, December 12th, A. D. 1853, before me.

GEO. HAYWOOD.

Alden Scovil, being duly sworn, did depose and say—I live at
 40 Bordentown—I have lived there a little over six years, between six and seven. I knew Lewis W. Pancoast, deceased; I became

acquainted with him, at the house of Mr. Satterthwaite, about three or four years ago; I could not say how frequently I saw him there—sometimes more, sometimes less, through the course of the year. I saw him several times, and had special interviews with him when no other person was present. I had several conversations with him; his conversation at such times was generally about his own particular affairs; it was sometimes about the treatment and the persecution he had endured, and he dwelt upon these with much intensity; he spoke about the great evil that had been inflicted upon him, in depriving him of the possession of property and keeping him 10 in durance vile. He endeavored, I think, to impress upon my mind that the reason given by them was not the true reason; that it was owing to some physical suffering he had received at his lime kiln, and they attributed it to moral obliquities, and without considering his character or condition, they unjustly divested him of his rights, privileges, and liberties, and carried him where he suffered such enormities as not to be expressed by language. He stated they carried him to some asylum, I think in Pennsylvania; I don't recollect of his specifying any thing in particular about his mode of treatment, only something like the inquisition or bastile, or something 20 of that kind; he gave also the impression, I should think from the best of my recollection, if it was in his power, nothing would afford him more delight than the perfect annihilation of the whole establishment; well, he complained exceedingly of the place he was staying, and the treatment he was receiving there.

I think he specified or complained of his liberty being taken from him, and his property here was kept by those whom he thought should have pursued a different course in relation to it; he expressed bitter enmity against his own friends and relatives; he mentioned his own brother and sister—I don't recollect of any one 30 else at the present time; these were standing topics of conversation always; I never could be with him any length of time in which they were not introduced; there was always a great deal of excitement when giving this relation, employing the strongest language of which he was capable, both in prose and in poetry; he told me these things apparently as fresh communications as though they had never been told before; he seemed to be desirous of seeking these private interviews, and always seemed pleased whenever an opportunity offered. I think, at one or two of those private inter- 40 views, he made proposal to me to get him free, as though he had the impression that I could get him free; at one of these inter-

views he was particularly earnest in it. I did not consider him of a sound mind—during these intervals I could not say particularly about his power of memory; it seemed to be recollections of his own sufferings and evils he endured; these he always recalled with perfect ease. So far as I can judge, he did not seem to recollect from day to day that he had told these stories before. I have heard him talk about the injuries received at the lime kiln; the physical disabilities he labored under were the injuries he received at the lime kiln; I think it was a burn; according to his own language,
 10 I should think he fell into the lime kiln.

I saw him after he left Satterthwaite's; I saw him two or three times at his own habitation, and frequently in town, but had no very special conversation with him in the streets, but two or three times I saw him at his own house; he lived in the premises he recently purchased of Mr. Samuel Thompson. I cannot give the dates of these visits; I saw him last fall, and perhaps during the winter; I did have conversations with him at each of these periods; he conversed about the old story again; I judged the state of his mental powers was no better than they were preceding this—had
 20 the impression they were worse at one of the interviews; I observed some excitement about him during these interviews; I never knew him to speak of these subjects without excitement; the last interview I had with him was during the last fall or winter previous to his death—I know it was about that period somewhere; during these times, his language was of the same character as when at Satterthwaite's, expressing his feelings in both prose and poetry; at these times, I should not consider him competent to make a contract.

In conversing on the ordinary topics of the day at Satterthwaite's,
 30 he would generally converse rationally. He did appear to have a knowledge of property and the rights of property; I would suppose probably he might have a tolerable accurate idea of the value of property; it occurred to me that he would rather seem to overrate what I considered to be the true value of property; he spoke particularly about the value of his lime kiln property; I think he did speak about the advantages the property had; I should think they were tolerably correct, as far as I could judge in that respect; he never took me to look at this property; he spoke of the lime kiln as being the place where he made his own fortune. During
 40 the visits I made at his farm, he took me out in the yard, and showed me around the house, and at one time I was out in the lots; in the lot where we went the conversation was on the adaptation

of the place for a cemetery; he did not speak at that time, that I know of, about the crops, nor do I recollect at any time of his speaking about his farming operations, except in a general way; except from a boy he had always felt with a certain poet, whom he quoted, that in the possession of a small plot of ground or farm a man's happiness especially consisted.

When the subject was brought up by me, there was a cemetery talked of by the community. If he had shown a disposition to have sold the lot that day, I would not have purchased it; he had had a disposition to dispose of it; there was nothing said in relation to his giving that lot for a cemetery; he was anxious to have the cemetery located there; I cannot say when he moved out on the farm. I presume he had the management of his farm at that time; I suppose he always had the direction of his affairs; he had a man to manage it. He died shortly after my spring vacation, I think—I don't recollect exactly, I made no note of it. Whilst Lewis was at Satterthwaite's, I think he often expressed a wish to be restored to his property—almost every time I was there; I think he had a knowledge of his relatives and kindred whilst there, and knew who they were; I visited Satterthwaite's during the time he was there three or four times a year; the periods of my visits were irregular, some times in the course of three weeks, and some times in the course of three months. It occurred to me Mr. Pancoast had considerable of a reading knowledge; I had the impression that his knowledge had been gained in former years, and not at the present time; I think I have some times conversed with him about the news and the topics of the day. I recollect something about an enterprise of going to the west, and if he had command of the disposition of his property, and could make investments, he could make more than he ever expected to realize here; this conversation took place before he came in the place, whilst he was at Satterthwaite's; when he was talking on these ordinary topics he generally conversed rationally. In matters of business I have conversed with him some, not much; we have talked about the lime kiln; he has spoken to me about the improvements of his property and his liabilities, more particularly after he left Satterthwaite's; at the time he took me in the different parts of the house and around the premises, he spoke to me of these things; he talked rationally and intelligently about them. I think it was at the second visit he talked about at the farm; it must have been last fall or during the winter we had the conversations, when I was at Mr. Pancoast's, and out in the lot. I was not prepared to contract for a cemetery lot with

any body at that time; we were just looking around for a location.

Re-examined.—From what I know of the state of Lewis' mind, I don't know but what I might have purchased a lot from him if I had been prepared; I don't know that I thought any thing particular about the state of his mind at the time he spoke of the lot, whether it was sufficient to make a contract, but not as being a bar to a legal transaction.

Mr. Pancoast was perfectly free, and had independent use and possession of his property, as much so as any other man; but I did
10 not consider him able to make a contract at the time.

Cross-examined.—I won't be certain of the value of the lot; he endeavored to speak of the feasibility of it.

A. SCOVEL.

Sworn and subscribed in open court, December 12th, 1853.

GEO. HAYWOOD.

[The counsel for the probate objects to the witness' opinion as to competency.]

William Tiel, being duly sworn, says—I live at Bordentown; have lived there about thirty-three years. I knew Lewis W. Pan-
20 coast from that time; he was a married man at that time; he married Miss Jane Graham, she is dead; she died before him; I don't exactly know how long she has been dead—I think she died in 1838 or '9; previous to her marriage with him, she owned real estate; it was the corner property that I kept tavern in, that I rented of Lewis W. Pancoast, now occupied by Edwin Bartlett, Bordentown; I can't tell how long she lived after their marriage; she must have lived two years—can't tell with any certainty. I recollect when he was taken to the asylum; he lived next door to me when he went to the asylum—when I say next door, I mean where
30 I now live; he did live there at the time of his marriage and up to the time he went to the asylum; he did live at Mrs. Bullock's—he boarded there some time in 1841; I can't tell how long he boarded there, but some time. I do not know of his being confined in Mrs. Bullock's garret at any time—I don't think he was ever confined there. Previous to his going to the asylum, he was in the habit of getting in liquor; I should think he was an intemperate man at that time. After he left the asylum, the first place I saw him was at Nathan Satterthwaite's; I don't know how long that was after he left the asylum; I was in the habit of stopping there

on a number of occasions; I don't know how many times I saw him at Satterthwaite's—a number of times; he generally came to me in the road—I never went in the house to see him; I had conversations several times when I stopped; on several occasions our conversations were pretty much about finding fault with the old man, as he called him, and about Samuel, for sending him to the asylum, the bastille, as he called it; our other conversations were about striking Elex Pearson, the constable, when he found out where he was taking him to—the asylum; nothing further, only he generally spoke about being burnt in the lime kiln; I can't say 10 how often he made these complaints—it was at that time and other times. At one time I had my wife with me in the carriage; he came out to us, rolled up his trousers, and showed to us, or undertook to show, where he was burnt in the lime kiln; that was in the street; I did not examine very closely, but I did not see any thing that looked like that. I don't know how often he made this complaint, but whenever I stopped he generally made the same complaint, one thing over and over; I can't say that I do recollect the last time that I saw him at Satterthwaite's; I did not think his mental powers were any better when I saw him at Satterthwaite's 20 than they were when he went to the asylum; I did not see him after he left Satterthwaite's often; whilst he was staying at Peter Shreve's, as he passed the store, he would stop sometimes; he would stop twice a day, going and coming; at those times I would have conversations with him; his conversations related to one thing and another, I can't tell exactly; one thing was about a cemetery; a company wanted to buy a piece of ground; in talking and speaking about it, he wanted a company formed, and he would be one of the stockholders; he thought it might probably be a good investment. 30

Question by Mr. Cannon. On those occasions would he speak of the burn which he had received in the lime kiln, of the asylum, and of his family?

Answer. He would.

He mentioned about his getting burned in the lime kiln—I don't know as he explained how; in these conversations he said but very little about the asylum as he stopped at the store—I do not know that he said any thing about the asylum when he stopped at the store; he repeatedly spoke of his being burnt at the lime kiln; I can't tell at what intervals of time he would speak of these—sometimes he would not stop in there for days or a week. 40

During the time he was at Peter Shreve's I did not think his

mental powers were any better than before he went to the asylum; from the way he talked, I thought the powers of his memory were very bad. In one of our conversations, I wished to remind him of what had taken place whilst he lived next door to me; this took place whilst he stopped at the store. I asked him if he remembered about a certain thing he was doing while he lived there; he used occasionally to send in for me while he lived there; Mr. McKnight had some very good cherry in the store—I went in occasionally to take a drink with him; I asked him if he remembered it—he denied it altogether—he never had a bit of liquor in his house; he said certainly I was mistaken about it, he never had any liquor in the house. I said, Lew I want you to remember a little about that—how often you sent after me to come in the house to take a drink; he could not recollect any thing about it, he had no memory to recollect that; I told him I was very positive about it. I can't tell how often he sent for me; he lived next door to me for three or four years, I think it was in 1838, '39, and '40; I suppose it was in that time when he was at Shreve's, and passing backwards and forwards—he had then been restored by the court to his property. I

20 have no recollection of his speaking of being burnt in the lime kiln previous to his going to the asylum; I can't tell whether he was burnt in the lime kiln; I don't believe he was myself. I did not see him often after he left Shreve's, and was out on his farm; I had no conversation with him after he left Shreve's; I have every reason to believe he drank very hard during the latter part of his life.

Cross-examined.—I was intimately acquainted with Lewis W. Pancoast and his family; his father died before him; I don't recollect exactly when his father died; I don't know what members of the family survived him, except Samuel and Emily. Lewis carried
30 on lime burning when he lived next to me, before he went to the asylum; I know that him and Samuel were never on any terms for years previous to his going to the asylum; there was hostile feelings between old Mr. Pancoast and Lewis about business matters. After Lewis Pancoast was restored to his property he had a claim against me; he called upon me for it, probably two or three times; he could not very well help understanding the nature of the claim—it was a note; I don't know how long the claim had been standing; the note was given after his property had been restored to him—for three months; the principal part was for rent due him;
40 he gave me some old bill to collect for him; about the time I went to the tavern property, which was about the year 1841, he agreed to lend me the money for one year without interest if I collected

the bills; I gave my note for one hundred dollars—I was to have it if I collected it; the rent was not paid up for the last quarter for the tavern property, perhaps some on the other. I left the tavern property 1st April, 1851, (I think it was); the last note was given to Nathan Satterthwaite before the report of the referees—the amount was probably one hundred and fifty dollars; there was a suit brought upon this note.

Lewis W. Pancoast in stopping at the store going back and fore, said that he and Samuel were about contracting for the Thompson property, where he lived, and if Thompson took up with the offer that Samuel made they would have the property, and wanted the money by the first of April (this was in October); I told him he should have it (once or twice he stopped); it was left so in that way—after his mentioning it two or three times. But a short time after these conversations I went to the Chesapeake with a party a gunning; whilst gone, he put this note in force, or put it in Mr. Cannon's hands, with orders from him and Samuel to collect; I came up from the Chesapeake about the fore part of November; when I got up I met Mr. Cannon in the street, the Monday before the election; Mr. Cannon said he had received orders from Mr. Pancoast to put these papers in force, but as long as I was away he would wait until I came back; I told him I had no idea of that from the way Lewis had talked; that he did not wish it before the first of April; he said he could not help it; that he had orders to put it in force; I told him then, if I had a cart load of money, that I would not pay it then (at that time) after promising me as he did; I asked Mr. Cannon what I could do then, and he told me what process of court I could go through; he told me what time I would have to pay, and then I paid it.

Up to 1839 or '40 Lewis W. Pancoast was doing a considerable business in burning lime; I believe he made considerable money at that business; he was always pretty shrewd about doing business at that time of day; I don't think he was accurate about doing business at that time; I can only judge his accuracy from the time I was building my own building, that he charged me with too much lime, from my own account, and what the masons said; I can't exactly say that there was any thing else that induced me to think that he was not accurate, it is so long ago; he was what I called a mighty close sharp dealer; he may have been burning lime five, six, or seven years, I cannot tell how long; whilst he lived at Nathan Satterthwaite's; I think his brother Samuel and his sister were not in the habit of going to see him frequently; I never heard tell

of their being there at all; when I first came to Bordentown there was a variance between Samuel and Lewis; they told me that they had not spoken for seven years; I did not understand the question on this subject before. I know of no ill feeling between Lewis and his father upon business matters; he blamed him for putting him in the bastile. It was in the year 1851, after Lewis left Nathan Satterthwaite's, that I tried to recall Lewis' memory to the time we drank the cherry. In his conversation in 1851, he would sometimes talk rationally and intelligibly, like any other
 10 man in the situation he was; I don't know that I can relate any conversation of his whilst at Peter Shreve's, in 1851, that was not rational and intelligible.

Question. Can you state any thing which Lewis Pancoast said or did in 1851, whilst he lived at Peter Shreve's, jun., which evinced a want of reason?

Answer. The conversation which he had with me during all of that time was something that he had spoken of the day before, and repeated the same thing over again; it was about the cemetery for one thing, about his property, and about my paying that note.
 20 He said he thought he would have money enough to buy a farm, and he would like to get on one; and that was repeated over and over again; those things and other and all the conversations which I had, caused me to think he was not in his right mind. I think he might have known who his relations were at times; during the time he was at Mr. Shreve's, in 1851, I think he might; I should say he might at times know who his friends and relations were, and at others he did not; during the time that he lived at Peter Shreve's, in 1851, he might have had sufficient mind to know the value of his property. I should say he first showed symptoms of derange-
 30 ment when he first lived by me, in 1839 or '40.

I never saw him drink whilst living on the farm; he bought this farm of Thompson; he moved on it November, 1851, I think, and continued to live there until he died; I never saw him to talk with him after he moved on the farm; I never had any conversation with him; when Lewis W. Pancoast lived next to me, I don't know whether his father was there or not; I don't think Samuel ever was.

Re-examined.—I think Lewis went to live at Shreve's in June, directly after he left Nathan Satterthwaite's; I don't recollect how
 40 long he lived there; I think he went away in October, I won't be sure; during the time he lived at Shreve's I don't think he was in the habit of drinking; during the latter part of this time, I knew

he was an intemperate man, because I have sold liquor to go out to his house; I have generally sold a quart of brandy at a time, never less; I can't tell how often he got it; I was not in the store all the time, my son was there; I don't recollect myself of selling it to go out there but three times; the woman who lived there came and got it of me; her name is Mrs. Luke, widow of Henry Luke; during the conversations I had with him whilst at Satterthwaite's and Shreve's his whole conversation was disconnected and incoherent.

Cross-examined.—When he talked of this money I owed him, 10 I do not think he talked correctly and coherently, from the way he talked about not wanting it and waiting for it; the next thing I knew, in about two weeks, he put the note in suit; this, I think, is an evidence that he did not talk connectedly and coherently about it when he came to see me.

Re-examined.—I do not hear very well.

Cross-examined.—In answer to a question made by Mr. Stratton, he said, I have heard and understood pretty much all the questions you have put to me, I believe.

WM. TIEL. 20

Sworn and subscribed in open court, before me, December 13th, A. D. 1853.

GEO. HAYWOOD.

Esra B. Robins, being duly affirmed, says—I have known Lewis W. Pancoast for twenty years and upwards; I have had conversations with him during the present year, one place in particular I recollect, that was at his own farm-house—it was on the morning of the 18th day of January, 1853; he conversed about his tax and about his not being returned, or did not wish to be re- 30 turned, or something to that effect; I was in company with John Shreve; stopped there at the request of Mr. Edward Bartlett that keeps a hotel in Bordentown; he requested us to call up at Mr. Pancoast's and get him to send in his team to help haul ice; he met us at the door, after knocking, and invited us in. I then spoke to him about the team, to know whether he could send his team to help him haul ice; he made no decisive answer on the subject; he commenced talking about his tax, as I was talking about before, and said he did not wish to be returned, and I told him I supposed he was aware he was returned; it was then the 18th day of January, if he was not returned he ought to be; he said I wish you 40 would tell Mr. Hollaway to come out and see me, who is the col-

lector of the township, for he said he would give him a check on the bank, for he had the money lying idle, and he wished to pay it, or something to that effect.

He then said he did not feel very well, that he had not much sleep during the night, and he said he must attribute it to the nightmare, or something to that effect, and he asked me the question if I was ever affected in that way. I then asked him about his team again, whether he was going to send it, as we were in a hurry to go on; he said his man Thomas had just gone to Bordentown. He
 10 then commenced talking about a map hung up on one side of the room, a map of the United States, rather an old and dingy one; he asked if I saw any thing particular on the map; I told him I saw nothing only the states, as maps were ordinarily painted or colored; he then asked us where we were going to, and I told him we were going to a sale of John Rogers, to take place that afternoon; he then said he had some cattle or cows he would like to send down to the vendue to have sold. I then asked him what he meant by the peculiarities on this map; he then pointed with his
 20 and said that Virginia formed a pedler with a pack on his back, and those states below formed his legs. I then said to him I saw nothing that indicated a man, and John Shreve commenced tittering and laughing. I then asked him once more whether he was going to send his horses and wagon to help Mr. Bartlett haul ice; his reply was, if my memory serves me right, that he would see when the horses came back. About that time the conversation ended, and we left the house; there might have been some other conversation I do not recollect; I can't call to memory any thing else he said about the cows.

30 In my own opinion, if I give it as such, I thought he was a little different that morning from what I had commonly seen him; my impression was he was deranged in some way, whether from drinking or natural causes I can't say; he was talking about the map in that way; he had reference particularly to the map by the peculiarities it had that I did not discover.

Cross-examined.—I think Lewis remained on the farm from the fall of fifty-one until he died. My business is various; my principal business is tailoring; sometimes I survey, clerk vendues, &c. I have made and repaired some garments for him; he paid me for
 40 making them more than once, several times; I have seen him several times whilst living on the farm in town, only twice at his farmhouse that I recollect of. At the time I had the conversation with

him in the house there was no one there except Mr. Pancoast, John Shreve, and myself, at the time, that I recollect of. At the time we settled for the clothing, he did not dispute the bill, that I recollect of; from my own knowledge, I should think he was a pretty close dealer; I recollect he was present when I surveyed the Lovel line; I think it has been a year ago or more, about the time they commenced building their houses; his line did not join the Lovel line; he had some interest in establishing the line; as regards his brother Samuel, he appeared to talk as if he had some knowledge of the lines, especially the one adjoining the tavern, he 10 talking about a certain well that was in the north part of the tavern house, in the cellar; the line ran within a few inches of that well; I did not know it at the time; there was some one went down and came back, and reported they had found a well there; the line, according to the survey, run within a few inches of that well, I can't say how near; I only sighted from the compass from the street. I believe the line run about where Lewis said it did; he was the first one that spoke to me about the well being there, and the line running within so many inches of it. If I recollect right, I think I was at the farm one other time in 1851, I think in the 20 month of July. Lewis was living at the farm at that time; it was after the new township of Bordentown was formed, the summer after; it might have been the summer of 1852; William Biddle and Clayton Aaronson were with us; we had been appointed commissioners to view the land, and value it, for the purpose of taxation. Lewis was at home; we all three went in the house; we had some conversation with him; I should suppose we stayed there half an hour, probably longer; I don't recollect; he took us to his back yard and through a kind of fruit orchard of cherry and pear trees and some other fruit; he took us to look at his orchard; 30 I believe it was not an orchard he had set out himself; upon this occasion, I think he talked rationally and sensibly for the most part; I discovered nothing very singular about the man; I do not remember at the present time, of his saying or doing any thing that was not entirely rational; the conversation was a general one, there were considerable topics up; I don't recollect what was said. I have had only occasional conversations with him after his coming from Satterthwaite's; upon these occasions, I think, for the most part, these conversations were those of a rational man.

Bill and receipt shown to witness. Mr. Pancoast paid me that 40 bill; I can't say in whose handwriting the endorsement on the back is. I believe the line between Samuel and the Lovel property

would affect the line between Samuel and Lewis, in regard to giving each one his complement of property.

I believe when Biddle, Aaronson, and myself were there, we talked with Lewis about the valuation of his property; he was talking about his farm and his property in Bordentown, lime kiln property and all; I think he mentioned over the number of houses he had in Bordentown, and showed us a list. I don't know that he said any thing in particular about the valuation of his property in Bordentown; he talked about his farm land; I thought at the
10 time he appeared to understand what he was talking about. I don't think we showed him the valuation that we had put upon his farm, and compared views.

EZRA B. ROBBINS.

Affirmed and subscribed in open court, December 13th, A. D. 1853, before me.

GEO. HAYWOOD.

Geo. W. Bunting, being duly affirmed, says—I knew Lewis W. Pancoast, deceased; I resided about a mile from him, perhaps a little over; as a general thing, think I passed his house twice a day
20 whilst living on the farm; I used to see him frequently when I was passing; sometimes he would come out on the front porch, and make water off the porch—I have known him to do this some two or three times between twelve and seven o'clock, in broad daylight when the sun shone; the porch was forty or fifty feet from the road, as near as I can guess; I was in a stage there once; there were others in it, women and men both; if I remember right this was the first time—it was some few months before he died; the second time I saw it my wife was with me—we were travelling in a carriage; I can't tell the time particularly—it was near the latter
30 part of the time; the third time was not a great ways apart—I was then by myself; I think Thompson Warner was in the garden at the time; I did once see some one sitting at the window—it was the last time; it was a woman—her name was Luke, the woman that kept house for him; she was in sight of him; on these occasions when he did this he would not notice the persons that were passing; there was nothing to obstruct the view from the public road where wagons were passing; I saw his privates at the time—part of the apparatus any how.

GEORGE W. BUNTING.

Affirmed and subscribed in open court, December 13th, A. D. 1853, before me.

GEO. HAYWOOD.

Samuel Thompson, being duly sworn, says—I live at Camden. I knew Lewis W. Pancoast, deceased; I knew him for about twenty years; I have seen him and knew him during the time he lived at Nathan Satterthwaite's; I never had any conversation with him during the time he resided there, any more than to speak to him; I knew him whilst he lived at Peter Shreve's; I owned a farm near Bordentown, situate a mile and a quarter from Bordentown, on the Crosswicks road; I conveyed this property to Lewis W. Pancoast, I think, about the 10th November, '51—that was the time I gave possession; I don't recollect the precise time of the conveyance; Samuel and Lewis Pancoast bargained with me for this property; I believe that I had more conversation with Samuel Pancoast than Lewis, about bargaining for the farm. On the day of the sale of Doctor Cook's farm, near Bordentown, which I think was in October '51, I was at the sale, and met Mr. Samuel Pancoast there; immediately after the sale of Doctor Cook's property, he, Samuel, asked me to go in to Bordentown with him; I went with him, and went into his office; I had previously stated to him and Lewis the price of my farm to be \$8000. In going into his office, he asked me to take a seat—and he went out, and him and his brother came in together; he wanted me to go in to Bordentown for to conclude the bargain or purchase of my farm.

I have no recollection of any thing particularly being said upon the way going in to Bordentown. After a few minutes conversation, when they came in, Mr. Samuel Pancoast stated he would take my farm, and then said we would go down to Mr. Cannon's office, and have a writing drawn between us, with a penalty attached for the fulfilment of the contract; that was all, I believe, that transpired at that time. I went down to Mr. Cannon's office with Samuel and Lewis Pancoast; there was an agreement drawn up, I think, which was signed by myself; I don't recollect who signed on the other part, as I did not hold the instrument; the intention of the paper was to bind the sale of the farm; I don't recollect particularly what it contained; I made a conveyance of the farm to Lewis W. Pancoast; I do not recollect the time, but suppose it was about the time I gave possession—I think it was about the 10th of November the time the conveyance was made; I think there was fifteen hundred dollars paid—I don't exactly remember;

I got this sum from Mr. Cannon; I think the amount coming to me for the farm altogether was thirty-five hundred dollars; there was a mortgage on the farm for \$4500, subject to which I sold it; I think I took a mortgage for the balance of the money, made payable in the spring following; the mortgage was paid—I believe it was paid by Mr. Cannon; I don't recollect the time when; I don't remember which it was, whether Mr. Cannon or Mr. Samuel Pancoast paid me; I believe by a check; if it was a check, it was signed by Lewis W. Pancoast; I think that the terms of agree-
 10 ment, or of the mode by which the payments were to be made, were settled upon with me by Mr. Samuel Pancoast and Mr. Cannon in the presence of Lewis Pancoast. There was personal property purchased of me about that time; it consisted of household goods and some articles on the farm that they bought at my sale; previous to my public sale, which I think was on the 5th November '51, I sold them such goods as I told them that I would not expose to public sale; the prices of these articles were fixed by Samuel Pancoast, Peter Shreve, jun., and myself; I cannot recollect the amount of these goods sold at private sale, perhaps as much
 20 as one hundred and fifty dollars; there was a number of articles bought of me at that time, but no more until the public sale. Mr. Samuel Pancoast and Peter Shreve, each, had a bill in the sales book at the vendue. Lewis W. Pancoast did not bid at that sale at any thing, to my knowledge; these articles that Mr. Samuel Pancoast and Peter Shreve bid for and bought, they told me afterwards they were for Lewis W. Pancoast. I think Lewis was present at the sale. I suppose I sold the things at private sale on the same conditions as the vendue was, I believe it was three months' credit
 30 that was the conditions of the sale; there were no notes given for those articles purchased by Shreve and Pancoast; the bill for those articles was paid in March '52—it was after the expiration of the credit of my sale; they were paid by Mr. Cannon and Mr. Samuel Pancoast; I think the check was filled by Mr. Cannon, and signed by Mr. Lewis W. Pancoast. I did call on Lewis W. Pancoast for the amount of those bills in a number of instances; he frequently requested me to call and get the money; when I called he would tell me that I must come and get the money for these bills, and would say so to me two or three times in the course of the conver-
 40 sation within a half hour or so; this would be at the very times when I had called for the money. I called upon him some four or five times, and he stated to me that the money was in the bank, and

wanted me to come and get it—and this was at some considerable time after the vendue notes became due; I do not know the reason he did not pay me when I called in accordance with his request; I stated to him that the thing laid in a very unsatisfactory state to me, as the conditions of the vendue had not been complied with; I told him some of the articles had been purchased by different parties, as I understood for him; I think he said his brother Samuel was sick; about the time I finally got the money, I think he stated to me that I or he should get his brother, Samuel Pancoast, and Mr. Cannon together, and he would pay me; he finally paid me at his 10 house.

Mr. Cannon was the only one present when he paid me; I took Mr. Cannon out on that occasion for the purpose of getting the money; when I went out there to see him about these bills, his conversation would run very much on his incarceration in the bastille, and about the ingratitude of the persons he had been with, that is, Satterthwaite and his own family, frequently particularizing names of his family, towards him; he would name his father, brother, and sister; I don't know how to particularize; but, in general terms, he found a great deal of fault with them for their 20 treatment of him during previous periods of his life. I have heard him say he was burnt in the lime kiln, and he has frequently shown me his legs; I did not look at them; I don't recollect that I could see any marks of wounds or burns; he would speak to me on these subjects every time I ever had an interview with him; he would generally recapitulate the same thing over and over, and many times became excited, particularly when speaking of the bastille and the family whom he had been living with, Mr. Satterthwaite's, of whom he appeared to entertain a very hostile opinion—it was almost unanimously a repetition of what he had said before over 30 and over; it would seem to me as if he was telling a new story or tale every time he told me; he did not seem to recollect that he had told me before, and I frequently endeavored to avoid the hearing of it, by turning the conversation, but I invariably heard the same thing over. I never had any business transaction with him, aside from Mr. Cannon or his brother, as I recollect of; I have made applications to him personally and alone without the presence of them, and I did not succeed in my business. I think I purchased for him at one time some grass seed; I do not recollect the amount of the purchase, but between fifteen and twenty dollars; I 40 think this was in the spring of 1852; he paid me for it; I called there some three or four times before I got it; I was going by there,

and when I did call for it, it was a small matter; he stated to me, in two or three instances, that I must call and get that money for the grass seed; I would ask him for the money for the grass seed, and this was his reply; he finally paid me the money after calling three or four times; it was a small matter—I did not press it; I don't remember any particular reason he gave for not doing it; I don't remember that on those occasions he spoke of having any money in the bank; he has frequently told me he has had money in bank when I called for this larger bill and private sale bill; I think this
 10 is the only money transaction that I had with him; I don't recollect of any particular instance of being present when he was transacting any other business with any other person. I think on the day that I gave possession of the place I was standing with him by the front yard or gate, and there was a person going by with a load of wood; it was one of the neighbors, I cannot positively recollect who it was; I am under the impression that it was Aaron Bunting, and Lewis asked him to bring him a load of wood; I was not at Lewis' the next day; the man agreed to bring the wood. During the several interviews I invariably found him excitable and reca-
 20 pitulating his stories of being at the bastile and at Mr. Satterthwaite's. I think his memory was poor; my conclusions for that are that he would make a repetition of the same story in the same interview; it never appeared that he was capable of transacting any business at these times unaided and unassisted; I arrived at my conclusion from the fact that he did no business with me, except in the presence of his brother or his counsel, with the exception of the time he paid me the small bills for sale. From my knowledge of his his mind, I would not have entered into a contract with him for the sale of the farm alone, and not without the concurrence of his
 30 brother or counsel, as I had not confidence in him; I did not think there was stability enough of mind.

Lewis was in the house at the time the appraisement was made of the property by Shreve, Samuel, and myself; I believe all they bought at private sale was in the house; I do not recollect of there being any thing outside of the house; there may have been some; he seemed to take very little interest in any thing, and no part in the value of appraisement.

Cross-examined.—I had conversations with Lewis W. Pancoast previous to signing the contract for the farm—generally in the pre-
 40 sence of his brother; I think Mr. Lewis Pancoast was out there to look at the farm in company with Mr. Shreve; there probably was some three or four weeks between the talking about and entering

into the purchase of the farm; I went down to Mr. Cannon to get the articles drawn, at the suggestion of Mr. Samuel Pancoast, as I supposed, to make the contract binding on either party; I understood Mr. Cannon to be the counsel for Mr. Pancoast at the time; he was also counsel for myself. I don't recollect any particular conversation, except in general terms, that I had conveyed my farm at a certain price in Mr. Cannon's office, before the articles were drawn. I have no doubt but this article of agreement was read to the parties before it was signed; I do not recollect who were witnesses to that agreement after I signed it; I presumed 10 Mr. Cannon held it; I don't know, I suppose it would have been proper at the time the contract was fulfilled to have destroyed the paper, but I don't know this was the case with this instrument; I am generally careful to destroy, after a contract is fulfilled, the instrument that bound me to it, but I do not know it was the case with that instrument. Lewis W. Pancoast wanted the personal property that he bought of me for his use and the use of the farm, I suppose; I cannot say that he bought it, it was bought by Mr. Samuel Pancoast and Mr. Shreve. Lewis W. Pancoast was in the house at the time the personal property was bought of me, but 20 Mr. Samuel Pancoast, Mr. Shreve, and myself fixed the price upon it; I was willing, and he was, to fix a price upon this property; I should say that Peter Shreve and Samuel Pancoast bought these goods for Lewis W. Pancoast; I cannot recollect who first spoke to me about purchasing those articles; I think it very probable that I spoke to them first; I think it very probable that I first proposed to Lewis W. Pancoast to purchase these articles, because I did not want to expose them at public sale; I don't recollect of any specific understanding between Lewis and myself that Samuel and Shreve should fix the price of these articles; I have no doubt 30 that it was a general understanding between Lewis and myself to leave the price of the articles to those two gentlemen, together with myself; Lewis and myself did not sit in the room during a greater part of the time whilst Shreve and Samuel went over the house to appraise the articles, nor did they come into the room where Lewis and I was and inform us of the value they had put on the different articles; the reason I did not sell my articles at public sale was I wanted half of the bargain to make.

I bought the grass seed at the request of Mr. Lewis Pancoast; I believe by a few lines from him; I have not got those lines; I 40 did not state to him that I could buy grass seed cheaper than he could; I cannot state positively how many times I called on him

for the money for the bill of goods he bought of me, but several times, not less than four or five times; I did not ever employ Mr. Shreve to sell my farm to Mr. Pancoast; Mr. Shreve has talked to me on the subject previous to the purchase; I never gave Mr. Peter Shreve any commission, and don't know that I ever talked with him about giving him a commission; he never demanded any such compensation of me, and I never gave it; I do not recollect who first talked to me about purchasing this farm; I talked with Mr. Lewis Pancoast, Samuel Pancoast, and Peter Shreve on
 10 the subject at different times; I cannot recollect who was the first one talked to me on the subject; I believe I had some conversation with Samuel Pancoast about it previous to the day I entered into contract, several times; I first asked \$100 per acre, for at that price it would come to something over \$8000; there was some eighty-two acres and some hundredths; I can't recollect first asking Mr. Lewis Pancoast that price; it may have been him; I don't recollect how early it was he commenced talking to me about it, it might be a month, perhaps more, before we made the bargain. I do not know that Lewis W. Pancoast signed that article of agreement in
 20 Mr. Cannon's office, but I have no doubt he did; I did consider that contract binding in law after it was executed by all parties.

A paper marked *Exhibit B* on the part of the probate, being shown to witness, he says—that is the deed I executed and delivered to Lewis W. Pancoast for the farm, when the terms of payment were fixed; at Mr. Cannon's office it was stated that Mr. Cannon had certain securities of Lewis W. Pancoast, which he was to convert into cash, and the time of payment was made to correspond with the time when it was supposed he would be able to convert them into cash; I think, on reflection however, there
 30 was a time fixed when it was to be paid, I think it was in the spring, for which a mortgage was given; I do not know that it was stated by Mr. Cannon that he would be able to raise the money on those securities by the spring, I only relied on the time fixed; it appears to me I cannot recollect that \$2000 was paid before the time fixed for the payment of it; I do not recollect positively the time fixed for the payment of it, but think it was first April, of '52; I think it may have been one month that it was paid before it was due, perhaps more—I think not so long as two months; I had been
 40 not due; my object in going to see him was to get a note or the money, that was what I wanted.

Papers marked *Exhibit C and D* on the part of the probate,

being shown to witness, he says—these are the bond and mortgage which Lewis gave to me to secure the payment of the \$2000; the signature of that receipt endorsed on the bond is in my handwriting; I would not have made a contract with Lewis himself of any other kind—not of extent or magnitude without concurrence of his brother or counsel; I would not have made a purchase in Philadelphia for Lewis to the amount of \$100, after the small purchase that I had made for him; it is probable that I would have done so before that time; I would not after that purchase, for the difficulty I had in obtaining that bill and the previous vendue bill. 10

Paper marked *Exhibit E* on the part of the probate, being shown to the witness, says—this paper is in my handwriting; it is a letter which I sent to Lewis W. Pancoast, (the date is the 18th February, 1852;) letter from Samuel Thompson to L. W. Pancoast, marked *Exhibit E*). A check shown to witness, dated September 13th, 1852, from L. W. Pancoast, payable to Samuel Thompson, for fourteen dollars—that check was given by Lewis W. Pancoast to me; I have no doubt but what it was given to me; I have no recollection what it was given to me for, it may have been for the grass seed, I don't recollect; I should believe the 20 filling up of the check, as well as the signature, to be Lewis' own handwriting; the articles taken at the private sale may have amounted to \$150, or perhaps more.

Paper marked *Exhibit F* on the part of the probate, being shown to witness, he says—the items in this paper are in my handwriting; this is a bill of the articles taken by Lewis W. Pancoast at the private sale; there is also added to it the amount of Peter Shreve's bill and Samuel Pancoast's bill; the signature to the receipt at the bottom is in my handwriting; he did not talk to me on the day that the contract was signed about being burnt in the 30 lime kiln and being in the asylum. I was not in company with him except with his brother and Mr. Cannon; I heard nothing of it that day; I was with him but a short time; I believe I stated this morning, that he almost invariably did; on the day that the contract was completed and executed, by taking the bond and mortgage, I do not recollect of his saying any thing about being in the bastille, asylum, burns, &c.; I was with him but a short time; I do not recollect of his saying any thing about them the day he paid me the vendue bill; I am engaged in the transportation business between Philadelphia and New York. 40

Being re-examined, says—I have not any recollection of Lewis W. Pancoast speaking to me first about bringing these articles of

personal property; I don't know that there was any other reason for not having the articles valued further than what I had said this morning. I think Lewis lived at the time with Peter Shreve, down at the mill.

Exhibit F being shown to witness, he says—the figures in which the prices of the articles are carried out are mine—(the addition) on the sum total—the articles of produce were wheat, stalks, stacks of corn, chickens, timothy seed, &c.; were appraised on the ground, as a general thing, as we passed from one thing to another. I don't
10 think Lewis was with us; he was present some part of the time, because they brought some articles in the room we were sitting in. I see by looking over the bill that the household goods appear to be about \$150 or \$160; I labored under the impression that the only things that were appraised this morning were the household goods. When I spoke of the conversation this morning, in which I referred to his having almost invariably spoken of the bastile, &c., it was when I went to his farm to see him, and found him at home and alone.

Cross-examined.—It may have been the case that these articles
20 were appraised at different times; that he first agreed to take the household goods which were appraised, and he may have agreed to take the outdoor articles subsequently, and that they were afterwards appraised—my impression is that it was all one transaction; I think the contract for the farm was entered into about three or four weeks before the deed was executed.

SAMUEL THOMPSON.

Sworn and subscribed in open court, December 27th, A. D. 1853, before me.

GEO. HAYWOOD.

Anthony Thorn, being duly affirmed, did declare and say—I re-
30 side within two miles of Bordertown. I am in my sixty-third year; I knew Lewis W. Pancoast in his lifetime; I must have known him over forty years; he was married to Jane Graham; I do not remember the time he was married exactly; she is now dead, she died previous to his death; I never heard of any children being born of that marriage; I cannot say how long she has been dead, but about seventeen or eighteen years; I cannot exactly say; she died previous to his going to the asylum; previous to her marriage with him, she owned the property where Mr. Bartlett now lives in Bordertown; they did, during the time they resided in
40 Bordertown, keep house. I was well acquainted with Lewis W.

Pancoast and his wife Jane; I was called upon to witness certain papers, but cannot exactly say at what time; one of them was Lewis' will.

Exhibit A on the part of the caveat being shown to the witness—that is my handwriting, as the subscribing witness; it is dated 22d February, 1848; I think there were other papers executed at the same time—I think they were deeds for the property where Bartlett lives.

Exhibit A again being shown to witness—I saw Lewis W. Pancoast sign that; the deeds were made by Lewis W. Pancoast and 10 wife to Jehu Lippencott, and back by him to Lewis W. Pancoast; the will and these two deeds were, I think, executed all at the same time; Mr. Cannon, Jehu Lippencott, Thomas S. Blyler, Lewis W. Pancoast and wife, were present at the same time; there was some money, in gold, Lewis Pancoast brought in, and laid on the table; I do not know the amount of it. Lewis took it away again, and laid it up; Lippencott did not pass it to him; it was not moved from the table until Lewis took it away again; I do not recollect what the considerations were for making those deeds; there was some 20 thing material in relation to it.

Jane, his wife, was speaking to me, telling me why she signed the deed to Jehu Lippencott; she said that Lewis said it was attended with so much difficulty; he had to rent the property, it being her own, and not his; and he came into the room and acknowledged the same thing in about the same words, as near as I can recollect; I said something to her about it, and told her she ought to be careful what she did; she said that Lewis had made this will, and given to her in consideration of her making this deed, and gave it to her and her cousins. Whilst we were talking about it Lewis came in and gave to his wife a paper, which I believe to 30 be the will (marked *Exhibit A*); I do not recollect any further conversation at the time.

[The evidence of this witness, so far as it relates to the execution of a former will, deeds, and other papers, and the consideration upon which the same were executed, and the conversations which took place at that time, are objected to by the counsel of the probate, as being illegal and irrelevant.]

I live one mile from Nathan Satterthwaite. I do not recollect how long Lewis W. Pancoast lived with him; I was in the habit of seeing him frequently while he lived there; he was at my house 40 several times during the time he lived at Satterthwaite's; during the whole time he lived at Satterthwaite's, it appeared to me that

his mind was very much out of order; when you would first see him it did not appear that much would be the matter, but after being with him, there would be a repetition of the same thing; the repetitions were of the ill treatment of his family and his treatment at the asylum; he was badly treated at both places and at Satterthwaite's, being burnt in the lime kiln; he also used to tell about their torturing him in the asylum, and screwing him down to a chair some how; I do not know how he said he was treated badly at Satterthwaite's; he was put up in the garret to sleep, and he could
 10 not have his liberty, unless some one was with him; he wanted to be set at liberty, and be put in possession of his property; they would not give it to him. After speaking of these repetitions, he would speak of them again, perhaps once or twice the same day; in repeating these stories, he always told them as if he never said any thing about them before; I cannot tell how often he showed me his leg; in showing me his leg, he did not appear to recollect ever showing it before; he showed me his leg to show where it had been burnt; I did not see any marks of burns; the complaint
 20 out of his property; he claimed pretty much all the property that belonged to Samuel on the east side of the street; he said he purchased it, and it was all his own; he complained of all his family, except his sister and mother; he did of his sister during the latter part of his time; his father and brother he generally complained of during the latter part of the time he lived at Satterthwaite's; I think his father died during the time he lived at Satterthwaite's; he used to come to my house, and I would see him up the road mostly at the first part of the time he was at Satterthwaite's; in coming to my house there was some one with him, but towards the latter
 30 part of his time there he was mostly alone. The various complaints continued up to the time of leaving there; during the time he lived at Satterthwaite's he applied to me to have him released from there—more than once (frequently); I told him before he expected to get clear he must stop talking about being burnt in the lime kiln and other things; he would say, you know I was burnt in the lime kiln, and I would tell him I knew that he was not; he wanted me to interfere and get him clear, and, to gratify him, I told him I would talk with his brother and sister about it; this was during the latter part of the time he was there; he was always talking
 40 about it; I did talk with his brother and sister about it, and they were opposed to his coming away—they thought he was better off there; the last time I talked with Samuel about it he said he would

see, and did not give me much satisfaction; his sister Emily was very much opposed to it; she said if he came away from there he would get to drinking, and be just as bad as he ever had been before; she asked me if I thought that he was any better—I told her he appeared to be; she said when she saw him she did not think that he was any better at all.

At the time I was talking to his brother and sister, I do not know whether it was in the spring or fall before he was liberated—I think in the spring; I think it is about half a mile from my house to where he died. I joined farms with him; during his residence there, I saw and conversed with him frequently; I should say, from his conversation, there was no improvement in his mental powers, especially the latter part of the time; I drew that inference from different conversations on farming and other things—about his crops. I recollect at one time meeting him on the road; he asked me what I thought of his corn; I told him I thought it looked very well; he said I ought to go over into it and look at it, that I could not find a stalk of corn in the field but what had from five to seven ears on; for these reasons I drew my conclusion that he could not be right; I never saw a field of corn with five or six ears on every stalk; I went into the field, it was in good condition, about like other farms; there was nothing like that many ears on a stalk. 10

Whilst he was on his own farm, he always had over these same repetitions he had at Satterthwaite's, if you stayed with him any length of time—finding fault with his family, being burnt in the lime kiln—the same old stories he had told before, and, in addition, finding fault with his sister and Mary Bullock (Moll, as he used to call her); he said they stole his silver and would not give it up to him when he wanted it. Sometimes he would quote what he had read, and one would suppose his memory pretty good; it appeared to me that his memory was better on things that he read some time ago than on things that were passing, for instance, you would go by in the morning he would tell you a story, and then again in the afternoon he would relate the same things again; in repeating the story in the afternoon, it was my impression that he did not recollect that he had told it to me before. 30

I was passing one day, and he knocked at the window, and wanted me to come in; he hoisted the window; I went up to him—he asked me the price of hay; he said his folks thought they would have a little more than they wanted to make use of, and he wanted to sell it; I asked him what he meant by asking me such a question when he had a load of hay in sight on the wagon at the time, and that they had carted nearly all away; he said—that damned son of 40

of a bitch, Sam, had been and sold his hay, and never had said any thing to him about it; this was in the spring before his death, I think; I do not think he went out at that time much—if he did, I did not see him; he was in the front room of his house fronting the road; it was the room he generally sat in. I refused the whole time he lived there to make any contract with him; I did not wish to have any thing to do with him, from his conduct to others; he would call on others for things, and when they brought things there, he would swear that he never bought them, as they told me;

10 during the time he lived on that farm Thomas Fenton was his farmer; Fenton managed the farm and attended to the farming operations; he was a very good farmer I think, I do not know where you could get a better; Fenton is still living on that farm. I do not know that he, Lewis, drank during the early part of the time he lived on that farm; during the latter part of the time he lived there he became intemperate, very intemperate, I think, from the quantity they said had been brought to him, and what I saw myself. I went over to Lewis Pancoast in consequence of his tenant coming after me; I think it was Sunday, about the first of April of the

20 same year he died; I went over and went into the room; he was on the sofa when I went in; he said to me, do you know that I am a murderer; I told him no, and asked him who he murdered. Here witness said, I am a little too fast—he told me he had murdered his man. I asked him who he killed, and he told me Alex Pearson; I told him I knew what he was alluding to, but he didn't kill him, for he lived some time afterwards; he said he did give him his death wound, and he intended to have the heart's blood of Bill Thompson; he went on then berating his father and brother in the same manner as he had frequently done before; I told him that

30 was not my business with him, he must quit drinking, or that he would have Satterthwaite or some other person for a master again; he said he did not drink a drop, did not allow any to come to the house; I told him I knew better; he then said he would show me how much he drank; that the doctor said it was necessary for him to take a little brandy; he poured some into a glass, and some little thing out a vial, medicine, in a glass and drank it; he then commenced talking about being burnt in the lime kiln and his family, and having the gout, and owning the property that Samuel owned; he was very wild at that time; every time that I spoke about drink-

40 ing he would show how much he drank; he showed me some half dozen times, and I thought it best to drop the subject; when he showed me how much he drank it did not appear to me he recol-

lected ever showing me before; I should suppose he took over a half gill each time (that is only supposition). On that day when I first went in there I think he was in liquor; I could not say positively, but thought him to be in liquor several times before. On this particular occasion I was sent for to come over; Fenton came after me; I think he said it was at Samuel's request.

I saw Lewis W. Pancoast after the first of April, about a week after that I saw him again; he was not so wild as before; I had but little conversation with him, but, from what I could discover, there was not much improvement; I think I saw him again before 10 his death; it might have been some four or five days or a week after the last time mentioned; I saw him, but had not much conversation with him; I was told that they gave him all the liquor he could drink; he appeared to me to be full of liquor; I don't recollect seeing him after this until the day before or night previous to his death, entirely senseless.

I think I had two conversations with Samuel about Lewis being liberated; I think it was the spring before he came away I had the first conversation; Samuel said he thought he was better off where he was, and did not think him fit to have his liberty; I can't 20 recollect all that was said; there was one time he told me he would think about it. During the time he lived upon the farm, he said he was under the influence of Samuel; he said he had no money; Samuel had some money he collected from property from White Hill, and I cannot recollect about it—I did not pay much attention; he said he could not have the control of his own property; I did not know whether that was a fact or not, or mere imagination with him; Lewis had no control of his farm, as I know of; during his living there he told me so himself, (every thing was done by his farmer), and asked me how I thought it was got along with. The 30 children of Jacob K. Train live somewhere in the South, not in this state; the oldest daughter died in Bordentown; thinks she died before Jane's death, but judging from Mr. Cannon's books, she did not. (He asked Mr. Cannon the question—he made no reply.) I do not know where Ellen Graham lives; I think Ellen Graham and the Trains are in poor circumstances; I would not have been willing to make a bargain with Lewis Pancoast at any time while he lived on his farm. I refused several times; I never thought him at all capable of making a bargain, and another reason was there might be difficulty about it hereafter; he wanted to buy 40 hay and grain of me, and I refused to sell to him, and had it to sell at the same time; I referred him to other people. Ellen Gra-

ham was Lewis' wife's cousin; the Trains were also cousins to her. Lewis signed his name to *Exhibit A* in presence of all three subscribing witnesses; it strikes me that all three were present when Lewis signed his name, and declared it to be his last will and testament in the presence of the three witnesses—that is my impression. [The testimony of the witnesses in relation to the execution of *Exhibit A* on the part of the cavaet is objected to by the counsel of the probate.]

Cross-examined.—I do not know how long Lewis W. Pancoast
 10 lived at Satterthwaite's; I did not see him for several weeks after
 he went there, may-be a month; the fore part of the time he was
 there his bodily health was more feeble than the latter part; I
 thought there was some improvement in his health at the latter part
 of the time at Satterthwaite's—not so much in his mind as his
 bodily health; I have never heard him say any thing about being
 restored to his property during the fore part of the time he was at
 Satterthwaite's, during the first year; in the latter part of his time,
 he several times expressed a wish to be restored to his property;
 I think I said some thing to Mr. Cannon about his release, at Lewis
 20 Pancoast's request. I was talking with John L. McKnight about it
 at one time, or rather he was to me; I don't know who broached
 the subject—I think he broached it to me; McKnight asked me if
 I thought he was right in his mind, and capable of taking charge
 of his business; I do not know that I can tell you all that John
 L. McKnight said; he did not say to me any thing about the pro-
 position of Lewis conveying the tavern property to him; I have
 heard of that conversation, but he did not say any thing to me;
 when I come to think, McKnight asked me if I thought he was
 capable of taking charge of his business, and what amount of
 30 money he wanted; he further asked me what I thought about his
 treatment at Satterthwaite's, and if I thought it was so; and if I
 would say so, and he was capable of taking care of his property,
 he would advance thirty dollars, or double that sum, to get his re-
 lease—and I told him I could not say so. That was the amount
 Lewis told me it would take to commence operations.

I do not recollect of having told Charles Bodine that he was ca-
 pable of taking charge of his business; I might have said so, if he
 would let liquor alone; I do not recollect of having told his brother or
 sister that he was capable of taking charge of his property; if they
 40 were to tell me what the conversation was, I might recollect it; I
 believe Lewis Pancoast was restored to his property after this time;

I do not recollect being present at the investigation—I was present at the settlement with Satterthwaite.

Lewis Pancoast was engaged in the lime business; he carried on an extensive business; I think his brother Samuel was engaged with him at the fore part of the time; I used to own that lime kiln property; Lewis W. Pancoast moved upon his farm two years ago last fall, 'fifty-one; I think he continued to reside there until the time of his death, as far as I know; I have heard him speak of the various properties he owned; I cannot say that I ever heard him put any valuation on his property; I never heard him 10 speak of all his property in separate parcels—I don't think I ever did; I think while he lived upon the farm he had not the general superintendence of it; I cannot tell how often I was at his house; I visited his house generally by his request; he often asked me to stop in in passing by; I never went unless by his request or sent for; I cannot say that he was in the custom of buying articles whilst on his farm; I never saw him buy or sell any thing, to the best of my knowledge; I have no recollection of his buying posts of Charles Gaskill; after the decease of Lewis, Samuel and Emily, his brother and sister, were all that was left of his own family. I 20 have frequently seen his leg, but not the scar—I never took particular notice of it; he was quite lame whilst at Satterthwaite's; in my conversations with him, I think he knew who his brother and sister and relations in life were; I have never heard him say what would become of his property if he died without a will; I have heard him speak of his will; I cannot tell if he knew how his property would descend if he died without a will; he frequently spoke of his former will—he spoke of his former will both at the time that he lived at Satterthwaite's and on his farm, but at what time I cannot say; I can tell you 30 in part what he said about former will; he has frequently said that his own relations should never be benefited by what he had; I have heard him say so whilst he was living at Satterthwaite's and on the farm; I think I have heard him say that his family should not be benefited by his property, three months before his death; I cannot say positively; what I mean by a former will, was the one I signed as a witness; I know of no other will; he must have had a distinct recollection of his making his former will.

He never told how he left his property in that will; I think I did know the contents of that will at one time, but don't know that 40 I can tell now; the way I knew the contents of the will, I read it; can't tell when; I guess I read the will before it was executed; no

one gave me the will to read; I read the will by no one's permission; the reason I read it, the will laid on the table, and I took the privilege to read it; I do not recollect reading the will after it was executed; I cannot tell if Lewis Pancoast died without a will, whether, in my opinion, he thought his property would go to his brother and sister or his heirs at law, whoever they might be, after his decease. I can't tell how often I refused to make contracts with Lewis whilst he lived on his farm, but several different times; I do not recollect any thing else I ever refused to sell him
 10 but hay and grain; it runs in my mind he wanted to buy some rails and posts, I cannot say; I cannot recollect how often I refused to sell him hay and grain, probably three or four times; he wanted some oats the spring after he moved on the farm; I don't know whether he wanted the hay the spring or fall he came upon the farm, or the next. I recollect referring him to one of my neighbors, and he took him some oats; I think he moved on the farm in the fall; I can't tell in particular what I said to him when he wanted to buy the oats; might have told him they were engaged, or some thing like that; I don't recollect whether they were engaged or not—if
 20 they were not I would not have sold them to him; during the whole time he lived on the farm I have conversed with him as often as once a month, but did not go particularly to see him. I believe he owned other property in Bordentown besides the tavern property; I have never seen the deeds; I expect that property was in the occupancy of tenants; I do not know of his renting this property, and collecting the rents; I have never heard him say that he had collected any rents from his property. John L. McKnight has the reputation of being a very wealthy man; I expect Mr. McKnight has received a large accession to his property since
 30 1840, by the death of his brother; I believe a daughter of Mr. McKnight has married and gone to Russia since 1840; I understood she married a Russian gentleman. I think when I saw Lewis W. Pancoast, about the first of April, and his manner appeared wild, it was caused by drinking.

I think I interested myself for Lewis, in regard to his being restored to his property, as far as this, I went to his people on two different occasions; I guess I did go to Mr. Cannon, by Lewis' request to go and see him. Mr. McKnight and me were speaking about him; I don't recollect of speaking to John Bunting, perhaps I might,
 40 about Lewis' being restored to his property; if ever I told John Bunting that Lewis ought to be restored to his property, I have not the slightest remembrance of it (I do not recollect); I do not recollect of telling Caleb Gaskill that Lewis ought to be put in

possession of his property ; I might have said so, but cannot recollect ; I can't recollect whether I told James Newell and Edwin Bartlett the same thing ; I have no recollection of telling James Newell or Bartlett either one, although I might have ; I don't think I have ever said to Samuel Pancoast, that if Lewis Pancoast would restore the tavern property back to the McKnight family, he, Lewis, should be put in possession of his property ; I have no recollection of such conversation with Mr. Pancoast in his office ; I referred Lewis to John Bunting to purchase oats ; I don't give any opinion of the average amount of ears of corn to a hill, taking fields generally ; I have followed farming nearly all my life. I don't recollect, whilst on his farm, of his speaking of his former lime or lumber business ; previous to his going to the asylum, I think there was a coolness between him and Samuel, I mean whilst they were both in business ; I can't state what was the cause of that coolness in the first place—if ever I knew I have no recollection of it ; I think it continued for some years—for some length of time before Lewis gave up business, I think they were not on speaking terms ; whilst I lived in Bordentown one would ask me to go to the other and ask him ; I think there was no intercourse between them for several 10 years before Lewis went to the asylum ; I do not think there was any coolness between Lewis and his mother and sister ; I think there was a coolness between Lewis and his father at one time.

Re-examined by counsel for caveators.—When Lewis lived upon his farm, his father and mother were both dead ; during the time Lewis lived upon his farm, he did not show friendly feelings towards Samuel and Emily, according to his conversation ; my impression is that there was no intercourse between Lewis and Emily ; I never saw her there until he was taken sick ; it was during his last illness that she was there ; during the time his sister 30 was there, he was entirely senseless—he never spoke, and did not move ; the reasons he gave when he said his relations should not be benefited by any thing he had, were because they had wronged him out of his property—that his father had not left him as much as the other two ; when he spoke of their wronging him out of it, I never believed a word of it ; I think I have heard him speak in this way up to within about three months of his death ; at different times, he would speak of the different properties they had cheated him out of ; I don't remember, at such times, of his speaking of any cruelties they had done towards him ; John L. McKnight never 40 authorized me to make any proposition to him, that if he would reconvey the tavern property, he could be restored to his property ;

this proposition was never authorized by him or his family. Samuel and Lewis were in the lumber business together; Samuel and Emily Pancoast are said to be wealthy. I am certain when Lewis spoke of his corn field, he said there was five or six ears on a stalk, and not in a hill.

Cross-examined again.—Lewis told me that his father left Samuel and Emily considerable more property than he did him in his will. I should not suppose that John L. McKnight is not more wealthy than Samuel and Emily Pancoast, both put together; I
10 think he has the reputation of being more wealthy than either Samuel or Emily Pancoast; I should not be willing to take his, Lewis' word, on all occasions.

Examined again.—We were in the road opposite the corn field when Lewis told me there was five or six ears of corn on a stalk; we were the width of the road off the corn field; when Lewis told me that his father left Samuel and Emily more than he did him, he said his father had left Samuel a couple of houses adjoining the tavern property that belonged to him, Lewis; when Fenton and his family lived with Lewis on the farm, he occupied the house
20 with Lewis.

ANTHONY THORN.

Affirmed and subscribed in open court, May 30th, A. D. 1854, before me.

GEO. HAYWOOD.

The counsel for the caveator offers a paper, marked *Exhibit A*, being former will of Lewis W. Pancoast, dated February 22, 1840, in evidence; also the inquisition of lunacy of Lewis W. Pancoast, and transcript and proceedings in the Court of Chancery, order of chancellor of 27th October, A. D. 1841, marked *Exhibit*
30 *B*; also certified copy of deed of conveyance of Lewis W. Pancoast and wife to Jehu Lippencott, dated 21st day of February, 1840, marked *Exhibit C*; also certified copy of deed of conveyance from Jehu Lippencott to Lewis W. Pancoast, dated 22d day of February, A. D. 1840, marked *Exhibit D*.

The counsel for probate objects to papers marked *A*, *C*, and *D* being offered in evidence. The paper marked *A* being the will of Lewis W. Pancoast, dated 22d July, 1840, the paper marked *C* being a deed of conveyance from Lewis W. Pancoast and wife to Jehu Lippencott, paper marked *D* being a deed of conveyance
40 from Jehu Lippencott to Lewis W. Pancoast, dated as above.

William Biddle, being duly sworn on the part of the probate, did depose and say—I reside at Bordentown. I knew Lewis W. Pancoast, deceased, in his lifetime; I should judge I knew him from twenty-six to twenty-eight years before his death; I was intimately acquainted with him the last few years of his life; I was told he lived at Nathan Satterthwaite's the last two years of his life, probably not more than one and a half years; he lived on his farm—his farm is a mile or mile and a quarter from Bordentown; whilst he lived on the farm, I saw him the most frequently in Bordentown; I conversed with him at those times frequently. The first 10
time I was on his farm, after he moved there, was in June, 1852; the way I come to seek him, I was one of the appraisers valuing the property of the new township of Bordentown; I went there with Clayton Aaronson and Ezra B. Robbins, the other two appraisers; when I was there we looked over his farm and buildings with him; he showed us his shrubbery whilst we were in the yard, and gave us the different names of his flowers; his yard was in front of the house, along the road; he likewise took us into the orchard, and showed us the different trees, and gave us the names, as he said; he had them on catalogue, but I did not see it; he valued 20
his property at what he gave for it, but thought probably it was worth a little more; showed us some meadows he had been clearing and underdraining, and thought he could raise some heavy grass there. I don't recollect any thing else that occurred at that particular time. We were there I should judge an hour; he spoke of building a hay-house at the time, and said that building was not large enough; I don't recollect of his saying any thing about his property in Bordentown at that particular time; he went out with us to the gate when we left. I did not see him on his farm again until the 10th April, 1853; I won't be positive about the time, it 30
was on a Monday; I then found him at home at his house. Mr. Samuel Pancoast called on me on the morning of the 10th April, 1853, (I was in Bordentown) and said Lewis wished me to come out and write his will; I went out with Samuel; we both went out together in the morning about nine o'clock, between nine and ten; when we got there we met Lewis at the door; he invited us in, and we all three went into the sitting room together; after some conversation, I told Lewis what I had come for with his brother, and he replied he was very glad I came; I remarked to him that I was not very well prepared to write his will, but if he would give 40
me the heads of what he wanted wrote I would take it down; he then went and got some paper and ink, and as I was going to take

up, Samuel Pancoast gets up out of his chair to leave the room; Lewis says, Samuel don't go out; he dictated to me what he wanted in his will, and I took down as he dictated to me, except one paragraph; I read it over to him after I had taken it down, and he said, I want you to leave two or three lines blank, I may think of something else that I have forgot; he then said, when can you have it ready and bring it here; I said almost any time, and I fixed next Monday, which I think was the 17th of April, and he said very well. I should think we were there an hour and a half; we then,

10 after we got through, walked around a while; he told us about his crops and about some peach trees he had been digging up and hauling in his yard, as he had done the summer before. The notes I took at that time I put in my pocket, and took them home with me; I lived at White Hill during that time, one mile from Bordentown. During the week I wrote the will corresponding with the notes I had taken there; on the next Monday, in the early part of the day, about nine o'clock, I went up to Bordentown in company with Samuel Pancoast, John W. Tindall, James C. Carman, and William H. Atkinson; we went to the residence of Lewis

20 W. Pancoast, and he met us all at the door and invited us in; we all went into his sitting room—sat down a few moments (not many). Messrs. Tindall, Carman, and Atkinson went into a back room adjoining the sitting room; after they went, Lewis asked me if I had the will with me; I answered yes, and took it out of my pocket and handed it to him; he read it over very carefully, or appeared to, and then handed it back to me; I then asked him if it was all right; he said yes, as far as it goes; there is one thing, says he, I want in that is not here; I then said there is a vacancy left, as you wanted, to put any thing in; it is the last item in the will; the

30 sixth item was then put in at his house—"I do revoke all former wills by me made, or purporting to have been made by me." He gave me the words which I inserted, I took them from his lips. After I wrote the sixth item, I asked him if there was any thing further to write; he said no, except naming the executors; he did not name his executors the first day I was there. I then filled up the last item, and had it ready for execution; he then took the will out of my hands, and read it over again, and said it was all right, and told his brother Samuel to call the witnesses out of the other room; he then came up to the desk in the presence of those wit-

40 nesses and myself and Samuel, took up the pen, and wrote his name opposite the seal, put his finger on the seal, and acknowledged it to be his hand and seal and his last will and testament; the witnesses

to the will signed their names in my presence and in Lewis' presence also; I think Lewis was standing up looking on, in the room, I won't be positive.

Paper writing *A* on the part of the probate, being shown witness, says—That is the will of which I have been speaking; I think I folded the will up, and laid it on the desk first, afterwards picked it up, and put it in my pocket, and a general conversation took place between these witnesses, Lewis, and myself about the crops, farming, and other matters, and we all then started to go away; he came out in the yard, and showed us the shrubbery again; Mr. 10 Carman inquired particularly about some of the flowers, I cannot recollect what they were. As we were coming through the gate, to come to Bordentown, he invited us to stay to dinner; this was about eleven o'clock; we thanked him and left; we all started for Bordentown together; I should think we were there altogether a full hour and a half, cannot exactly say, time passes very rapidly. He appeared to talk rationally.

Question. Captain Biddle, do you think that Lewis W. Pancoast was of sound disposing mind, memory, and understanding at the time of the execution of that will? [Objected to by counsel for the 20 caveat.]

Answer. I considered him to be so; I had not the least doubt about it at either time I was there; if I had had a doubt about his testamentary capacity I would not have drawn a will for him, nor no other man.

I think Lewis Pancoast owned several tenements and lots in Bordentown (lime kiln property and others); I think I taxed him with them; I don't know who he rented these properties to, except the lime kiln property, and that, he told me, he rented to Mahlon F. Shreve. 30

I met him in 1852, about from the first to the fourth of July, in the Main street, near Burlington street; I asked him which way he had been; he said he had been out collecting his quarterly rents that were due; I asked him what success; he had, he said, about middling; I think those were the words he said; I think he had a receipt book with him; there was nothing else took place, except transient conversation; we walked up the street together; the conversation about rents did not last five minutes; we talked about crops, &c., and he then left and I went up town. I was not in the habit of seeing him in 1852 more than once or twice a month; I 40 recollect the fact of his brother Samuel being sick, but cannot recollect the time or year; I think it was while Lewis lived on the farm. I do not recollect having an interview with him about the

time his brother was sick. In these several interviews I had with him in Bordentown and on the farm, as far as I can judge, I considered the state of his mind, or faculties, perfectly right; he appeared to me to have a perfect knowledge of business; I should have been willing to purchase property of him—I know very well I should not get much of a bargain out of him; I would have been willing to sold him property; I should not have been afraid to make any other business contract with him. Before Lewis was afflicted at all I was quite intimate with him; we were young men together; 10 we frequently used to go out in company together on Sundays; I knew him well, and had an intimate knowledge of his character; I did not observe any thing in his conversation or conduct in either of the three times I was out at his farm; his conversation appeared to be connected; his conversation was principally about his farm; he appeared to understand what he was conversing about; I thought it was rational and suitable to the subjects we were talking about; I thought he seemed to take an interest in his farm and business on those occasions, as much so as men usually do.

Question. Did he, on the day you first went there to draw his 20 will, dictate it to you clearly and distinctly, or did he not? [Objected to as leading.]

Answer. He did.

I neither heard nor saw him receive any assistance from any body; he told me the first day I was there that he wanted me to draw his will so that the lawyers could not pick it to pieces; I thought, on the day the will was executed, he fully understood the nature of the business he was doing.

The first day I went there he said William S. Emley owed him 30 for eighteen bushels of seed wheat, worth twenty or twenty-one dollars; he had sold it to him the fall before. William S. Emley lived about half a mile from White Hill, or thereabouts; I think he asked me if I had seen Mr. Ely lately—I told him I had not; he asked me if I had seen William S. Emley lately; I told him no; he then said, he owes me for eighteen bushels of fine seed wheat, and I should like to have the money for it; I recollect seeing Lewis W. Pancoast in Bordentown in the fall of 1852; it was on the fourth Tuesday of November, 1852; it was on the first day of the 40 meeting of the commissioners of appeal in front of Bartlett's hotel in Bordentown, on the pavement; he was by himself, and no one with him; he says, I have been assessed and taxed wrongfully; I says to him, how is that; he replied, the farm I live on is mortgaged, and I have a right to have that deducted according to law;

won't you go down with me to Mr. Maxwell's where the commissioners are sitting. I went down with him; there was a large crowd in the house, probably a hundred people; he did not tell me what the amount of the tax was, or what the mortgage was, but told me he wanted it deducted; there was such a crowd I did not go in the room; Lewis went in where the commissioners of appeal were sitting. I asked him, the next time I saw him, what amount was taken off his tax, and he said eighteen dollars and something. I was very well acquainted with the handwriting of Lewis W. Pancoast for at least twenty years or more.

10

Exhibit G on the part of the probate, in memorandum book of deceased, being shown to witness, he says—That is the handwriting of Lewis W. Pancoast; I take all the writing to be his.

Exhibit H, being a receipt from Isaac Forman to deceased, dated April 2d, 1852, for \$270, and also *Exhibit I*, being a check of the same date and for the same amount, from deceased to Forman, being shown to witness, he says—The body of that receipt is in the handwriting of Lewis W. Pancoast; the filling up of the check and signature is in the handwriting of Lewis W. Pancoast.

Exhibit K, being a bank book of Lewis W. Pancoast in the 20 Bordentown Banking Co., being shown to witness, he says—The list of checks in the back part of the book are in the handwriting of Lewis W. Pancoast. Nine checks are shown by the probate, drawn in 1852.

It is admitted by the counsel of the caveat that both the filling up and the signatures are in the handwriting of Lewis W. Pancoast, and one in 1852, and one in 1853, both of which were filled up by G. S. Cannon, esq., and signed by Lewis W. Pancoast.

I was the assessor of the township of Bordentown in 1853; I think I taxed Samuel Pancoast with something like \$26,000; I 30 think Emily's was about twenty-one or twenty-two thousand dollars; I know what John L. McKnight gave in to me—I think it was about \$53,000, in Bordentown township, of real estate; he gave me a schedule of his property in different places—the whole gross amount, including his Camden and Amboy railroad stock, was about \$300,000. [The counsel of the caveators object to the above evidence, as regards the assessments.]

Cross-examined.—I have resided in Bordentown since the 3d of April (1854); I lived before that at White Hill; I lived at White Hill about three years and ten months; I resided before that at a 40 place called Mansfield, four miles from Bordentown; I resided there two years and two months; my business was school teaching.

In 1840, I lived at White Hill (in the village); I resided there in 1841. I saw Lewis W. Pancoast between the years 1840 and '41, but very seldom (cannot tell how often); I do not know exactly when he went to the asylum, can't tell what year it was; I saw him in his room, I think it was on Sunday morning, in Bordentown, where he lived in one of Tiel's houses; how long before he went to the asylum I can't tell; I don't recollect whether his wife was living then or not; I was not there over twenty minutes or half an hour; he did not appear to be well in bodily health; he complained
10 of not being well, and wanted to rent me the lime kiln; I did not hear him say what was the cause of his ill health; I thought his mental faculties, through drinking liquor, were not very good at that time—this was evinced by incoherent conversation; I don't recollect upon what particular subject—not one; I do not recollect any particular delusion that he labored under at that time—he appeared to be under the influence of liquor at that time, and far from being a sober man; I cannot tell what business he followed at that time; it was between ten and eleven o'clock in the morning when I visited him; I did not see him again previous to his going to the
20 asylum after that; I did not see him at Nathan Satterthwaite's until he had been there two or three years,—I was told he was there. In 1842, I lived at White Hill, in 1843 I lived about three miles from Burlington; I do not know how long he remained at Satterthwaite's; I was told he left Satterthwaite's in 1851;—I don't know when he left there; I don't know who brought him away from there; I understood he went to Peter Shreve's, jun.—I don't know—I can't tell how long he staid there; I saw him whilst he was there; I saw him and his brother Samuel coming up Main street, in Bordentown, opposite Bartlett's—that is the first time I
30 saw him; as he came up, I spoke to him, said I was very glad to see him, and had considerable conversation with him—cannot tell what; the common topics of the day, I suppose, and found him a different man from the last time I had seen him before. I saw him several times while he was at Shreve's, I suppose once or twice a month; after that I saw him at Peter Shreve's—he was sitting on the porch; I rode by, and did not converse with him; I saw him on those occasions most generally in Bordentown; I most generally conversed with him on those occasions; I never heard him say one
40 word about bad treatment; he never opened his mouth to me about it. I think he did say that he was not treated well at the asylum; they did not treat him as well as he ought to be treated; they did not use him right; I don't recollect of him, on those occasions,

speaking about his usage at Satterthwaite's; I have never heard him speak of his being burnt in the lime kiln; he never showed me his leg, or spoke about it; I never heard him assign any cause for his loss of health or lameness. On those occasions I saw him at different places in Bordentown, mostly in the street. I think I have seen him at Bartlett's, whilst he lived at Shreve's, once or twice in the bar room; I did not at that time see him drink any spirituous or malt liquors, nothing but cold water; I think he moved on his farm in the fall of '51, and resided there until he died; whilst he lived on his farm, I cannot say where I saw him most frequently; 10 whilst he lived on his farm, and when I saw him in Bordentown, I don't recollect seeing him drink a drop; when he spoke of his farm being worth more than he gave for it, he did not specify any particular sum; when I was there with the commissioners, he did not tell us how he was draining his meadow, but said he would make a fine piece of meadow; I was there with the other commissioners about one and a half hours; Samuel was not there at that time; I heard him say nothing about the asylum on that occasion; he made no complaints at all on that occasion; the hay house he spoke of on that occasion has never been built; after this visit, I did not 20 see him on the farm until the 10th April, 1853; I fix the date from the time the will was dated, just one week previous to the time the will was dated, and that is the 17th of April; previous to the morning of the 10th of April, Samuel and I had no conversation concerning the will; Samuel said to me, as he came across the street, that Lewis wanted me to draw him a will, and asked me if I could go with him; I said yes; nothing else was said; we walked directly out; we walked very slow, we were a half or three quarters of an hour going out there; in going out there, I don't think there was a word passed between us about the will—our general 30 conversation was about the crops and about the country, and how they looked in the spring of the year.

I have drawn some legal papers, but very few; I had never drawn any legal papers for Lewis previously; I had never drawn any for Samuel; I guess I never have drawn over three or four wills. I do not know who Lewis' counsel was at that time; I do not know who Samuel's counsel was at that time; I can't tell how Lewis came to send for me to draw the will; Samuel said Lewis said he knew me for a great many years, and wanted me to come out and draw his will; he never spoke to me about his business, 40 except about collecting his rents; he told me Forman had a mortgage on his property, and he wanted to take it up, and Mr. For-

man would not receive the money; he, previous to this, had never spoke to me about any disposition he wanted to make of his estate; the day we went out there we knocked at the door; he came to the door and met us; he appeared to be not entirely well, a little feeble, perfectly sober; I saw but very little difference in bodily health, or if any, very little; he always appeared to be a little lame—what produced it I don't know; he did not appear at that time to be intemperate in his mode of life; he appeared to have a perfect knowledge of what he was doing. When I told him what I came
 10 for, he said he was glad to see me—all right, or very well—I don't recollect exactly the words; I told him I had come through his invitation, by his brother, to write his will; he said he thought he would have his will wrote, and told his brother to tell me to come out, if he saw me. I broached the subject in about ten minutes after we got set down about writing his will.

I had not commenced writing before Samuel got up to leave the room; Lewis handed me the paper, and as I took the pencil, Lewis commenced dictating, and Samuel got up out of his chair to leave the room—and Lewis said, Samuel don't go out of the
 20 room,—he just raised out of the chair to go out, and Samuel took his seat again. Samuel was about eight feet off, and Lewis along side of me; Lewis was sitting down. At the time Samuel got up to leave the room Lewis had not said any thing about the disposition of his estate.

I wrote the form of the head of the will myself; I did not draw the formal part of the will at that time; I just took the items as they are here; (the five items here). In making the memorandum, I used my own pencil. Lewis did not assign any reason for the bequest he left to Ann Luke. When he dictated the bequest to
 30 John McKnight's children, he assigned no reason for it—assigned no reason for any of them; he said nothing about executors that day, it was left blank. Whilst he was dictating to me, I did not hear Samuel speak; he did not refer to or confer with Samuel, as I heard; I judge I was twenty minutes or half an hour making the memorandum, from the time he commenced until he got through; I believe, after I wrote the will, I tore up the memorandum. After we got through we were walking about the yard and talking about the general topics of the day; I suppose we were in the house from half to three-quarters
 40 of an hour; the reason why he left the blanks, he thought probably he might want to put in something else; he did not refer at that time to any thing to fill the blanks with; he did not at that time speak of any former will; he spoke of the wheat and winter

crops, &c. ; he had no other crops out except his oats, which were scarcely up ; he showed us where the wheat was—we did not go to see it ; he spoke something about digging up peach trees and carting them in the yard and cutting them up ; when I told him I could get the will ready in a week from that day, he said very well ; I did not hear him say any thing about witnesses to the will at that time ; I did not hear him remark any thing about his health ; I drew the will about the last of the week, Friday or Saturday ; after writing that will, I did not show it to any one. During that week, I don't recollect whether I saw Samuel or not. The second time 10 we were going up to have the will executed, Samuel told me who the witnesses were and they were ready to go up—he had not told me previously. The reason I did not witness the will, I was under the impression that it must be a freeholder, and I was not ; I think I was not applied to to be a witness ; I think I replied to Samuel that the witnesses must be freeholders ; I think it was the morning that the will was executed ; he did not know but I communicated to Samuel that the witnesses must be freeholders ; on our return the first day I don't recollect that a word passed between Samuel and myself about the will on the next Monday, when we went to 20 execute the will, I think I found Samuel at the alley that goes down to his office—there was no one with him ; I think he went after James C. Carman ; I waited at Bartlett's—Mr. Carman came with him ; all three of us walked up to the Crosswicks road together, and John W. Tindall was making fence where William Atkinson lived, and we all walked up together ; I can't recollect who I walked with that day going up to make the will ; I almost think Atkinson principally the general part of the way.

They knew what they were going to do, witness the will ; that was all that was said. When we arrived there, Lewis was inside of 30 the house ; the state of his bodily health appeared to be about the same as it was the Monday before ; he did not complain ; I thought he was rather feeble ; he did not appear to be nervous. I, Samuel, and witnesses, all went into the sitting room, and took a seat ; the witnesses were there, I think, probably ten minutes before they went into the back room ; nothing was said at that time but general conversation, the general topics of the day ; the witnesses retired into the back room at Lewis' request ; I think Samuel showed them the door ; Lewis said nothing more at that time than to ask them to retire into the other room—I think he said that, (I cannot recollect 40 exactly the words) ; he did not assign any reason for wishing them to retire into the back room ; the door was closed by Samuel Pan-

coast; I think that Samuel did not offer to go out on that day; after the witnesses left, I told Lewis I had the will with me; he said let me see it; I took it out of my pocket, and gave it to him; he took it and read it over carefully, as appeared to me, he says it is all right, as far as it goes; I don't recollect asking him whether it was all right—I do not think I did; he says, then, there is something more I want in; I replied that I left a vacancy to put any thing in, as you requested last Monday—I left it all blank after the fifth item; I then wrote the sixth item: I do revoke all wills made
 10 by me, or purporting to be made by me; he then said that was all, I think, but naming the executors, and he then named the executors; when he named the executors, he said nothing more than that his brother Samuel and his friends Joshua Bullock were his executors. It did not take me long to finish the will or write the last item—I suppose I wrote it in five minutes.

I handed the will to Lewis—he kept it in his hand some considerable length of time, I can't tell how long; from the time they left the room, I should think it was twenty minutes before I commenced writing the last item; during that twenty minutes he had
 20 the will he was reading and looking over it, I think he had it in his hands during the whole twenty minutes he was reading or looking over it, as I supposed. After I had finished filling up the blanks I told him it was ready, and he told Samuel to invite the witnesses out of the room, and Samuel done so; the witnesses came in: after I had written these blanks, I read what I had written to him; he said it was correct; I did not read the whole will to him at any time; in reading the will, he read it to himself; during the time I was writing the sixth and last article, Samuel did not say any thing; I think Samuel was sitting in the corner of the room to-
 30 wards Crosswicks, ten feet from Lewis; I did not hear Lewis appeal to Samuel or say any thing to him concerning the will; I should suppose we were in the room about twenty or twenty-five minutes after they went out, and before they were called in again. In dictating the will, Lewis spoke as in ordinary conversation; I do not think he elevated his voice above the ordinary tone of conversation; I can't recollect any loud conversation; there was but very little talking, and that was between Lewis and me; I don't think Samuel said any thing—but very little if he did. Samuel did not read the will before the witnesses were called in; he did not read it then
 40 after it was executed. When Lewis executed the will he spoke louder than at any other time; he put his finger on the seal and said, "I acknowledge this to be my last will and testament," with

some emphasis, after writing his name; that is all he said at that time, I think; after the will was executed, I stated the other day that I folded it up and laid it down on the desk, and after a few minutes I picked it up and put it in my pocket, and done it voluntarily; I had no directions from any one; I carried it to Bordentown, I did not seal it up after I carried it to Bordentown; I gave it to Samuel Pancoast; I don't know what he done with it, (locked it up I expect) and left it with him; I lapped it up in a newspaper.

After I wrote the will, Samuel, the witnesses, and myself remained there after the will was executed perhaps half an hour; 10 we were out doors a majority of the time, Lewis with us, in the front yard looking at the flowers; there were but few flowers out; I do not know what flowers they were; I do not know the kind they were, a variety of them; Lewis talked a good deal about farming, as usual; I don't recollect what he said about the crops, but bragged a little; he spoke of a crop of wheat he raised, and said it was a very good crop. We left a little past eleven o'clock; we arrived there probably about ten o'clock, probably a little after that. In the various conversations that I have had with Lewis, I don't recollect of his repeating the same story to me as if he had 20 never told it before; I never heard him, in any of these conversations I have had with him, speak of being burnt in the limekiln, that I recollect of; previous to my going out there to get directions about making his will, I had never heard of his drinking hard; I do not think he had the appearance of being a drinking man—he was perfectly sober at both times; he assigned no particular reason for asking me to go down to Maxwell's hotel in November, 1852; he asked me to go down there; the reason why I did not go into the room where the commissioners were, I thought he was perfectly competent to make his own appeal; he did not ask me to assist 30 him in making that appeal; he asked me to go down with him.

Mr. Biddle's cross-examination continued.—I don't think Lewis ever told me why he got me to write his will; Samuel did not tell me when it was that Lewis asked him to get me to write his will; Lewis never did tell me when it was that he asked Samuel to get me to write his will; I can't tell why Samuel went up with me on the day I went to take the heads of the will; Samuel did not give any reason to me for going up on that day; I did not feel disposed to draw the will that day—I had no form with me; I am not a legal gentleman; the same items that I took down on my memorandums I put in the 40 will in the same words, (verbatim, I think); the same language is in this will as I took down on the memorandums, except the head-

ing and the sixth item and what follows; I think it is a simple will in its form myself; probably I might have drawn one up on that day, but Lewis said, I want you to draw one up that the lawyers cannot pick to pieces; he said this after he gave me the head; after he gave me the items, I am sure he said this; I think it was after I wrote the memorandums, (I won't speak positive). On the morning the will was executed I saw Samuel Pancoast on the corner of the alley near Bartlett's; I met him and asked him if the witnesses were ready to go out together; there was no agreement to meet
 10 him; I think there was an understanding between Samuel and me that Samuel was to go out with the witnesses when the will was executed; the understanding was between Samuel and me, that he was to go out with the witnesses—no one else, as I know of; I think the understanding between us was had on the Monday that I took the notes; it was in Bordentown—I am a little too fast, I won't speak positively—either going back from Lewis' or in Bordentown; I did not mention to Samuel the names of any witnesses he was to get; when I said it was my impression that it required freeholders to be witnesses, he then said he would go and
 20 see James C. Carman, who lived a half square off, and he spoke of the other two lived on the Crosswicks rooad. On that morning, when I him there, he did not tell me he had spoken to witnesses to go out; when Samuel came back to Carman, we three proceeded up the Crosswicks road.

Question. Did you, Samuel, and Carman proceed up the Crosswick's road to Atchinson's house?

Answer. I say we walked up the road opposite Atkinson's house, and Samuel crossed over.

After Samuel came back from Carman's, I don't think he went
 30 any where else for witnesses, until he went to Atkinson's; Lewis did not ask me to get the witnesses; I don't think Lewis asked any one in my presence to get the witnesses; I can't tell why Samuel went up with me on the day the will was executed; I can't tell why Samuel remained in the room with me and Lewis when I gave him the will and after witnesses went out; I did not say any thing to Samuel about the propriety or impropriety about his remaining in the room; I have said no one directed me to take the will, and put it in my pocket. Samuel did not by any indication or gesture, or manner, indicate to me to take up the will—I
 40 did it voluntarily.

After we got to Bordentown, I asked Samuel what I should do with the will, and he said he would take it and put it in a safe

place; Lewis did not tell me at any time what was to be done with it. I don't think there was any thing said about compensating me for drawing the will whilst at Lewis' house; I have been compensated for drawing it; I think it was the same week; I think it was Friday or Saturday; the money came from Lewis W. Pancoast, (Samuel paid me); he said Lewis gave him the money to pay me; it came through the hands of Samuel; Samuel said Lewis had asked him what the demand was, and Samuel told Lewis he did not know what it was, for I had not told him; the same day he paid me I told him what the demand was; he said Lewis had 10 given him the money to pay me; I think he paid me within half an hour after I told him what the demand was; it was at the same interview we had that he asked me how much it was that he paid me; probably he paid me in ten minutes; we were together perhaps half an hour. When Lewis told me that he wanted me to draw the will so strong that the lawyers could not pick a hole in it, he did not give me any reason or motive for it; when Lewis dictated the fifth item, stating that in the event of Emily's death her share was to go to her brother, there was no remark made by Samuel; there is no provision for the issue of Emily in that item. 20 On the Sunday morning I have spoken of, when I saw him in Bordentown before he went to the asylum, I heard him talk irrationally; I said I thought his mind was not right under the influence of liquor; he talked irrationally that morning, his language was incoherent and not connected; I don't think I did at any other time hear him talk irrationally, incoherent, and disconnected.

I stated yesterday this was whilst he lived in Tiel's house—I wish to correct myself, it was at Durell's house in Tiel's row; I never saw Lewis laboring under mental incapacity, so he could not do business, except on that morning (that was Sunday); he was 30 unable that morning to transact business through the influence of liquor—his mental faculties were impaired by liquor; it was my opinion that his incapacity to do business that morning was caused by liquor alone; he appeared not to be sober, he appeared to be drunk; after they came out of the room, and we were ready to execute the will, I think I told the witnesses to come up; on the morning of the execution of the will I had a form with me, that is I had the will that was a form, the heading of it; he had no form separate from the will.

Re-examined again.—I am fifty years old; I am a native of the 40 county of Burlington, always lived here; I should judge Emily Pancoast was nearly fifty years of age (nearly my age); she is not

married—never has been, to my knowledge. I had not seen Lewis for some time previous to the interview on Sunday morning just spoken of—perhaps not for six, eight, or ten months. I did not see him from that time on Sunday morning until he had his property restored to him, and then I saw him at Bordentown with Samuel. After I had finished the will I read what I had written whilst in the room to him, and he then took the will out of my hand and read it over again. I voluntarily told Lewis that I had the will in my pocket—without any question from him. Ann Luke, that

- 10 is spoken of in the will, is a widow woman who formerly lived in the family of the Pancoast's—in the family of Lewis' father. She was on the farm with Lewis at that time—the time the will was made. I knew her husband, Henry Luke—ever since I knew him he worked in the Pancoast family; he worked for Lewis in the lime kiln in 1836 or '37, I think. When I first saw Lewis after his property was restored, in Bordentown, with his brother Samuel, I said there was a great difference in him from what there was from the last time I saw him, before he went to the asylum—I mean he appeared of a sound mind and like a business man.
- 20 Error corrected. Witness said it was the 11th and 18th of April, in place of the 10th and 17th.

Cross-examined again.—Samuel Pancoast is older than Emily—I don't know his age; at the time of the execution of the will, I don't know what Ann Luke was doing at Lewis'—she was there; I don't know how long she had been there; I don't know that she was there as his nurse.

WILLIAM BIDDLE.

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

GEO. HAYWOOD.

- 30 *John Jones*, on part of probate, being duly sworn, says—I live in Bordentown, New Jersey. I did know Lewis Pancoast some part of his time; I have worked for him in the lime business—it was when he carried on the business in Bordentown; I suppose I worked for him between five and six months; while I worked for him, I recollect his being burnt in the lime kiln; I can come pretty near giving the facts; it was some time ago—I had almost forgotten all about it; well, I worked for Mr. Pancoast at that time; we had burnt off a kiln of lime; at that time lime was pretty dull sale; the kiln had been standing some time, and had been burnt; after
- 40 a while there came a rush of teams on, and they commenced taking

out of the kiln; I suppose we took out in the neighborhood of two or three hundred bushels of lime; Mr. Pancoast was sitting on the kiln a keeping tally as we measured it up; well, as he was sitting the arch gave away in the kiln; well, as it gave away it let Mr. Pancoast down in the kiln in the hot lime; well, a man went partly down, but he did not get hurt a great deal—his name was Henry Luke; well, they got him out as soon as they could; well, we had to dig away the lime so we could get him out; well, we got him out and took him home—he was some considerably burnt, I don't know how much, I did not stay to see; I don't think we took him 10 in the office, I don't recollect—I think we took them both home; there was Henry Luke and Dan Gilmore, and an Irishman there besides; there was four of us there; I believe Luke and Gilmore are both dead now.

Lewis W. Pancoast complained of this burn at the time; I think it must have been in the neighborhood of some seventeen or eighteen years ago, cannot say exactly; well, I recollect of his being on a farm; well, I met with him once, and only once, to have any talk with him; well, I met him where he used to carry on the lime kilns, that is where the lime kilns used to be—the kilns are there 20 yet; well, he got talking there about matters and things, and he said to me, John, these kilns don't look as flourishing as they used to be when I carried them on; I told him, no, Mr. Pancoast they do not; well, he says, the kilns are going down hill very fast; he says this to me; then he said to me, he would have to have them done up; he allowed it would not do to let things go to destruction in that way; well, him and me walked up the street; when we got up in the Main street, he went one way, and I went the other. I can't tell how long this was before his death—I should judge this 30 was five or six months before his death, or may-be longer, it was the first season he went on his farm. We did not walk all over the lime kiln property; I met him right by the kiln; we could see almost all over the property from where we stood; I judge we were together about a half hour; I don't think we talked about other subjects; I don't think I can say much about his mind; it appeared to be as well as it used to be; I did not see any alteration in him from the time I worked for him.

Cross-examined.—Well, in the summer season, hot weather; it is more than I can tell you what month it was in; I think it was just after dinner,—I won't be certain; I don't recollect what the 40 Irishman's name was when he fell in the lime kiln; he lived in Bordentown at the time; I don't recollect how long he lived there; we

four were the only persons who worked in the lime kiln at the time; Thomas Varnum did not work there. My memory was not refreshed at the time I was down here at the court; I had no recollection of it until a day or so before the court, why Mr. Samuel Pancoast asked me if I did not work for his brother Lew; I had not been subpoenaed when he asked me about it; Lewis, at the time he was burnt, lived in Tiel's row at this time; his wife was living at that time; he was burnt very much on his leg—I think it was on his right leg; the most of it was; I think he was burnt on

10 both of his legs; Dan Gilmore and myself, and a man, was loading a wagon—took him home; I think there was three or four of us took him home; he was carried home on a sofa; we procured the sofa out of one of the neighbor's houses—I don't know whose house it was; a physician was called—I don't know who it was—I think it was Doctor Cook; I do not know how long it was before Lewis appeared at the lime kiln again, he was confined at the house some time; I do not know that I spoke to any person of this occurrence at that time; I don't recollect it; Henry Luke lived in Bordentown at the time; nobody carried Luke home at the time;

20 I don't think I said this morning both were taken home; I don't recollect any of the names of the persons that were getting lime there at the time; it is more than I can tell you, how long it was after the kiln was burnt before the lime was drawn out; I was one who helped get Lewis out of the lime kiln, also Dan Gilmore and one of the team drivers; he went down like on his side, his feet were down the most; his feet were covered up in the lime; he was covered up in the lime up over his thighs and up across his belly; his legs and feet were entirely covered up by the lime; his right side was laying down; his right leg and thigh was burnt the most

30 —the other some burnt, I can't say how much; I don't know how far the burn was down—it was pretty well down; I did not see how much he was burnt; I believe his ankle was burnt; I think he always wore shoes; I believe he had on lace boots that day; I believe he generally wore lace shoes; I believe he generally wore lace boots or shoes; I did not measure to see how high these shoes came up, they were common sized; I don't think I helped take these off his feet; I don't think his pantaloons were burnt a great deal, I do not recollect that they were burnt any; I can't say; I did not examine the burn at all; the doctor examined it; the doctor

40 was called, and examined the burn; I think it was Doctor Cook; I was not present when the doctor examined it; Lewis' wife and the other people said they had the doctor there, and examined it;

I have seen the burn myself while he was sick with it in the house or while he laid by—it was before it healed; when I saw it, it was up on his legs and thighs; it is more than I can tell how long this was before Lewis gave up the lime burning business; I think it was about a couple of weeks after the lime kiln was burnt that Lewis fell in, it may not be quite so long.

Re-examined.—I did not mean to say that they carried Lewis and Luke home.

His
JOHN \bowtie JONES. 10
mark.

Sworn and subscribed in open court, November 14th, A. D. 1853.

GEO. HAYWOOD.

Joseph Satterthwaite, being duly affirmed, says—I was acquainted with Lewis W. Pancoast, deceased; I don't know that I can tell how long, but I was acquainted with him—for fifteen or twenty years; I frequently saw him; I was more intimate with him before he was considered out of his right mind than afterwards; I had a business transaction with him during the last two or three years of his life, I think in the year of 1851; it was on 20 the 11th September, 1851, that we paid over the money to him, his share of the money of his father's estate; myself and Joshua Bullock were the executors of James Pancoast, his father; we made this settlement with him, and paid over to him, by direction of his father's will; at the time we settled with him, and offered to pay over to him, and had a receipt drawn, on examining the receipt he refused to sign the receipt that we had drawn; the receipt was drawn by Mahlon Hutchinson; (the receipt read)—he refused to sign the receipt because it was a discharge in full; that was the objection he had; he said he had not an opportunity of 30 examining a statement; he was told by Mr. Hutchinson that he had examined our accounts, and that they were correct; Samuel Pancoast urged him to sign it, as he had signed a similar one; we then asked him to draw up a receipt that he would be willing to sign, which he did.

Exhibits ——— being shown to witness on the part of the probate—That is the receipt that he drew up and signed, and that is the one he objected to sign. Receipt being read before the court—I don't recollect any further conversation being had at that time; he did not express any dissatisfaction about our account at the time, 40

but only he had not time to examine it; I don't recollect particularly, but he did examine the mortgages that were assigned to him; I recollect a remark he made—Lewis said he did not know whether the investment of the mortgages was well secured; I don't recollect particularly what else was said; there was something said about the papers at the time; I don't know how long I was with him at the time, it may have been from one to two hours—I think I had an opportunity of observing the condition of his mind; I did not discover any difference in his mind from what I had observed many years before when he was in business; I think he appeared to understand business at the time as well as any of us—the business we had to transact with him; I saw him some time after this, when I was called on to settle some business with his former guardian. Phineas S. Bunting and Edward Thorn were the arbitrators; Lewis was present at the proceedings; I had but very little conversation with him on that day; I don't recollect what it was.

Papers marked *Exhibits* —— being shown—I recollect some papers like these being before us; they looked like these; I have no doubt that these are the same papers; I should think they were in Lewis' own handwriting; there was some little handwriting in another hand; I had not as good an opportunity to judge of his business capacity that day as I had before; I did not discover but what he was of sound mind—he said but little. Both parties were represented by counsel. Lewis sat by his counsel, and appeared to take an interest, as most men do; I don't know that I ever had any conversation with him afterwards; I have seen him afterwards; I don't recollect the year that we settled the account as executors of James Pancoast—I think it was before we settled with Lewis; there was certain property left in trust with us; I can't tell, but I think it was before we settled with Lewis; there was certain property left in our hands, to be paid over to Lewis when he was restored to his right mind; I am satisfied of that; the property we paid over to him was on his being restored to his mind; when this settlement took place, I am satisfied he did not say or do any thing that indicated a want of proper reason or understanding on his part; I know I thought, at the time, that his course was a prudent one, what any man would do when arbitration with him and his guardian too place; I did not see him do any thing that indicated unsoundness of mind whilst he was engaged in business and before he went to the asylum; I had not a great deal of business with

him, but some; I knew him well at the time; I saw him occasionally, pretty frequently.

Cross-examined.—This payment to Lewis took place in Samuel Pancoast's office at Bordentown; I can't say who all were present; Samuel Pancoast, and Lewis Pancoast were there; Mahlon Hutchinson and Joshua Bullock were present; there may have been others at the time—may have been Peter Shreve—I can't say; he met us there for that especial purpose; I can't say whether he was notified to meet us there before; I cannot say how long he had been away from Nathan Satterthwaite's; it was a short time 10 after he was restored to his property that we paid it over to him; I can't say it was a very short time—I think it was within two months, perhaps one.

We had a statement made out at the time, and showed it to him; I do not recollect at this time who the mortgages were against that Lewis took; we had at this time settled with the other heirs of James Pancoast; the other legatees were Samuel Pancoast and Emily Pancoast; I don't remember whether we paid the legatees of James Pancoast in cash or bond and mortgage; the final settlement was with Samuel Pancoast, September 6th, 1849. I think, 20 by the will of James Pancoast, there was nothing left to Lewis absolutely—I can't say. When this arbitration took place, Lewis manifested an interest in the proceeding, sitting by his counsel; they conferred with him when they had occasion; I do not know what took place between them, neither do I know what took place between Nathan Satterthwaite and his counsel. I don't think that the arbitrators had any communication with either party, except through their attorneys; Samuel Pancoast was present on that occasion; I think he made suggestions to the counsel of Lewis— 30 they frequently conferred, at any rate; I can't say, at that arbitration, whether Lewis made any suggestions to his own counsel of his own accord or not; I can't say that he sat quiet in his chair and took no part—I saw nothing different in him from other clients to their own counsel; I cannot answer that question; I presume he, Lewis, lived at Peter Shreve's; I know there was a great many of the bills not allowed; a number had been received and paid in addition to those that were outlawed; a number was said to have been paid for which there was no receipts shown; we were satisfied that they had been paid, and we allowed them; we were satisfied that they were paid; some of them were paid a short 40 time before Lewis went to the asylum, and we did not consider him capable of doing business properly; there was evidence to

that effect before us on some of the charges ; I think some of those charges were marked by Mr. Cannon—I know the handwriting ; I think it was probable that some of those marks were made during the progress of the case ; we never met on that business with Lewis, after the payment of the \$770, to have a settlement ; no investigation ever took place between us in relation to the settlement of this account after that ; Lewis never presented any claim, and we never called upon him for a full discharge ; we considered that the account we had there that day exhibited the true balance
 10 coming to him ; I do not recollect whether it contained the items of the account. If I remember the words of his father's will, I think it said he was to have a share of the residuary estate ; that paper showed, as I considered it, his share of the residuary estate ; if there was any interest allowed after the settlement at that time it was on the bond ; I don't remember whether there was any or not ; he had been a comparatively short time before that restored ; this was a very simple matter of settlement that day.

I expect our account settled in the orphans court shows the balance ; I don't recollect if there was any part of Samuel's share
 20 left in our hands.

Re-examined.—I can't say at whose instance Mr. Hutchinson went at the time of the payment, whether it was his or ours. When we made a statement of the money we had in our hands, we made out what was due him ; I think that the reason Lewis did not sign the receipt that day was because we had not a copy of our account settled before the orphans court, and he had not investigated it ; I believe he (Mr. Hutchinson) acted as a friend of both parties that day. I remember that there was a charge made by Lewis, at the investigation of the arbitrators, that Nathan Satterthwaite, his late guardian, had charged him with some clothing that
 30 he had that belonged to Joseph Reckless, and that Nathan had given him to wear, and had charged him with them ; we threw the account out of Nathan's charge, we did not allow it ; he says that we were satisfied by the evidence that the facts were as stated by Lewis.

Cross-examined again.—This charge was made as an exception to the guardian's account ; Lewis did not make it himself orally—there was no communication from the party ; I don't remember whether there was testimony or if Satterthwaite stated the facts ;
 40 there is no pretence of denial but what they had been purchased for another person ; I can't say whether the clothes had been worn or not—if worn, not much. Samuel encouraged Lewis to sign the

receipt as it was drawn; Mr. Hutchinson spoke in favor of his signing it, but nobody pressed him; we were all at leisure sitting there—we were all talking together. The account of James Pancoast was settled in the orphans court in August term '49.

JOSEPH SATTERTHWAIT.

Affirmed and subscribed in open court, November 15th, A. D. 1854, before me.

GEO. HAYWOOD.

Daniel C. Ellis, a witness produced on the part of the probate, being sworn, saith—I reside in Bordentown; my personal acquaintance with Lewis Pancoast, deceased, commenced in May, A. D. 1848, at which time Mr. Pancoast lived in the family of Nathan Satterthwaite, near Crosswicks, in which village I then resided with the family of Mr. Satterthwaite; I was unacquainted till about that time; the lady whom I married, a very short time previous, was an intimate friend of that family, consequently it brought us frequently in contact. It was on an occasion of a visit at Mr. Satterthwaite's I was introduced to Mr. Pancoast the first time in my life, although I had frequently seen that gentleman previous to that time; I had previously been informed of the fact, that Mr. Pancoast was then considered a gentleman of not sane mind; during the summer of '48, the family of Mr. Satterthwaite and myself frequently exchanged tables; they took tea at our house, and we at theirs; on all occasions when I was at Mr. Satterthwaite's house, I had an opportunity of seeing, and sometimes conversing with, Mr. Pancoast; I found him at all times a gentleman polite in his manners, and, as our acquaintance progressed, I discovered his mind to be well stored in good reading, conversant on almost all topics, and I was very frequently interested and much edified with his general conversation; this, in course, existed for some time, when I found a wish, or rather an inclination, on the part of the Satterthwaite family to prevent Mr. Pancoast and myself having much private conversation, for it was almost an invariable rule, that when Mr. Pancoast and myself were seated together or walking together up and down the piazza, some one or other of the family would join our company. At first I could not imagine what could be the cause of this, but Mr. Pancoast soon let me into the secret by saying, "they suspected me of wishing to obtain his liberation from the thralldom in which he was then placed." Being a new acquaintance, and not wishing to occasion offence to the Satterth-

waite family, I pretty much desisted from having frequent interviews with Mr. Pancoast during that season. I had learned from Mr. Pancoast, during those interviews, the situation in which he was placed with Mr. Satterthwaite, and thought it strange that a gentleman with his information and mind should be placed in that peculiar situation; as, however, it did not appear to be of much interest to me, I took no further notice of it during that season (of the situation in which he was placed); during the ensuing winter, the families had little or no intercourse, the inclemency of the weather preventing it. The ensuing spring the facilities of intercourse between the two families were enhanced by my purchasing a horse and carriage of my own, consequently our visits became more frequent during all that summer. I found Mr. Pancoast fond of reading the news of the day, and as I was taking the Philadelphia papers, I was in the habit of taking them out to him every two or three days as I went out. During this time, Mr. Pancoast made numerous observations to me in regard to the situation in which he was placed, frequently asked me if I could not devise some means by which he could be released. I had made it a point to watch closely the actions, manners, and conversations of Mr. Pancoast, so that I could form a just idea of the state of his mind. After I became satisfied that that gentleman was rational, and in my estimation perfectly capable of taking charge of his own affairs, I became interested in his fate, and was determined to do all I could, compatible with prudence and propriety, to have him reinstated in society, and have his property restored to him. On one occasion, while walking up and down the piazza, I asked Mr. Pancoast why he limped or walked lame; he told me he had fallen, or by accident fell into a lime kiln; that while in the act of measuring lime, taking an account of lime, or something of that kind, some part of the building or machinery gave way, by which he was precipitated into the hot lime. He then pulled his pantaloons up high as the knee, and stroked down his sock (he had socks on), and exhibited a terribly scarified leg, his right leg; I think there was but little of the calf of his right leg left, drawn up very much, the left leg not nearly so bad. Mr. Pancoast then asked me if I would not see Mr. Cannon, or some other lawyer, and see if they would undertake his case. I did see Mr. Cannon on the subject. Mr. Cannon said if Mr. Lewis Pancoast would send him \$40 for issuing the necessary precepts, he would undertake his case. I informed Mr. Pancoast of the answer I got from Mr. Cannon. During the conversation that I had with Mr. Pancoast, he frequently regretted

having made a certain will, previous to having been sent to the bastille, as he called it; very much regretted that he was not as able in the eye of the law as he was in his mind to make another—it should be a very different one, and he hoped the time would come when he would be enabled so to do. That will seemed to have considerable effect upon his mind; he broached the subject very frequently.

During my interviews with Mr. Pancoast, while at Mr. Satterthwaite's, he would frequently say his heart's wish was to have his estate restored, for the express purpose of enabling him to purchase a farm, on which he hoped to end his days. At all times he acted, I thought, as a rational, intelligent, well informed man, and business man. During my intercourse with him I discovered he had been a business man, cool and calculating, and a man of fine memory. The proceedings with regard to the release of Mr. Pancoast I am unacquainted with; I was subpoenaed to give evidence before the master in chancery in Bordentown. When I said I took no part in the matter, I mean after I had the interview with Mr. Cannon on the subject. I appeared before the master in chancery, and gave evidence; during the hearing before the master in chancery, Mr. Pancoast and myself were together pretty near all the morning; I think I did not see him for four or five days after that, after the case was closed; he appeared then as usual; I saw nothing in him excited or depressed because the case had not then been decided. I saw him quite frequently after that before he bought the farm; he boarded at that time at Mr. Peter Shreve's—I think he did—I am not quite certain. After his purchase of the farm, and moving thereon, I stopped quite frequently to see him, passing by going from Bordentown to Crosswicks; sometimes I would get out and sometimes remain in the wagon, and he would come out and talk. In the spring after he went on his farm, he invited Mrs. Ellis, who generally was riding with me, to pay him a visit, and bring some of her lady friends with her. During the early part of that summer, Mrs. Ellis and myself would frequently stop, and he would always find some little kind of fruit for us—on one occasion, particularly, in taking my daughter and another lady from Bordentown to Crosswicks, who had just come up from Philadelphia, Mr. Pancoast came out to the gate; I introduced him to the ladies; he observed, now Mr. Ellis I have got you; you have promised me frequently to bring some ladies out to see me. I observed, I will now do so, sir, here are two from town, and on Thursday next (this was Tuesday afternoon), we will pay you a visit; I

will bring you a full cargo; he said I shall expect you; he bowed to the ladies, and I drove off. Agreeably to promise, on Thursday afternoon following, I put five ladies in my wagon, and drove them out there. Mr. Pancoast received the ladies at the gate; Mrs. Ellis introduced the ladies to him; he ordered, or spoke, to his boy to take my horse in the yard, and introduced the ladies into his house. While the ladies were receiving some little fruits from Mrs. Fenton, a lady that lived on his place, Mr. Pancoast and myself took a walk through his property; he pointed out the spot to me where
 10 he intended placing a new barn. After we returned to the house, he proposed to take a walk through a field of corn he had growing on the opposite side of the road, representing the height of that corn to be a curiosity; three of the young ladies and myself accompanied him across the road into the corn field of which he spoke; the corn was certainly a curiosity, the highest I have ever seen in my life; we returned to the house, and partook of a very pretty supper, indeed; Mr. Pancoast was at the head of the table, and was affable, kind, and polite, as any gentleman could possibly be. During our visit, he was very conversant with the ladies, and
 20 they were much pleased with his wit, good humor, and politeness.

Examination resumed.—After supper, the evening was spent very agreeably with much glee, hilarity, and good humor, in which Mr. Pancoast participated. Between ten and eleven o'clock, the horse and carriage was brought to the door, and we returned to Crosswicks highly gratified with our visit. I kept on seeing him during the summer and fall of '52—can't say we kept on visiting; on passing and repassing to and from Bordentown, was in the habit of seeing Mr. Pancoast; I saw him two or three times a week during that time; sometimes I would see him in the field, with a
 30 hatchet or saw in his hand, and, if in hearing distance, he would always salute us; sometimes he would be near the gate; he would say, how do you do, and I would pass on without stopping. On one occasion, I was standing with him at the barn gate, when George Clift stopped, and asked Mr. Pancoast if he had any hay to sell; Mr. Pancoast said he had, and Clift asked him if he would not send him a load that afternoon, he wanted hay very bad. Mr. Pancoast replied, he rather thought he could not; that he did not know the price of hay; Clift replied, I will give you the market price. Pancoast told him he was going to Bordentown in the morning,
 40 and if, on inquiry, he found the price of hay suited him, he would send it to him the next morning, as his way of doing business was to know what he was to get for an article that he sold before he

delivered it. Clift, in his rough way, said he would get it somewhere else, and drove off. As I observed before, I saw Mr. Pancoast transiently, as I passed along the road, and spoke, without often stopping during that fall. The following winter, intending to move to Bordentown, I sold my horse, late in the fall, consequently did not go often to Bordentown. I always spend a part, and sometimes the whole of the winter in the city of Philadelphia; in that year I went down in the middle of December, and did not return till the first of March about; I think I did not visit Bordentown more than twice during that winter—that was in the stage (once or 10 twice), consequently did not have an opportunity of seeing Mr. Pancoast. I removed to Bordentown to live the eighth or tenth of April, I think, 1853. Having no conveyance of my own, did not go out to see Mr. Pancoast, the weather being inclement. Early in May, business again called me to the city of Philadelphia, where I remained two or three weeks. On my return to Bordentown, I was informed Mr. Pancoast was sick. Having no business with that gentleman after I removed to Bordentown in April, did not see him at Bartlett's. I went to a funeral with Mr. Pancoast in August '51; I went to the grave yard with Mr. Pancoast to see the remains of 20 the late Peter Shreve interred. Mr. Pancoast, on that occasion, appeared to feel deeply the loss of an old comrade, and made remarks at the ground that would do honor to the heart of any feeling man. After the restoration of his rights and liberties to Mr. Pancoast, I had frequent opportunities of seeing him at the house of Mr. Bartlett, which he owned. I recollect distinctly the fact, on one occasion, of being in the office of Mr. Samuel Pancoast, paying him some money which I had collected for him in the village of Crosswicks; Mr. Lewis Pancoast came in, and after Mr. Samuel Pancoast left we entered into a general conversation about 30 matters and things. On that occasion, I asked Mr. Pancoast if he had done what he was so anxious to do whilst at Mr. Satterthwaite's; he asked me what I meant; I replied that of making a new will; he replied he had not; he said he wished to obtain the one then in the hands of Mr. McKnight first; he further said, that was a wrong will, and mentioned his father's name; I think he said he had been too much influenced by his father in making that will, and asked me if I would not call on Mr. McKnight and obtain that will for him. I told him that was out of my line of business, and said there were two legal characters in town, Mr. Cannon 40 and Mr. Hutchinson, on one of which he would have to call to make his new will, and they were the proper persons to call on

Mr. McKnight (or one of them); he replied, Cannon won't do at all, for he wrote the will, and is one of the executors; Mahlon and myself don't quite understand each other at this moment, and said something about rents, which I did not understand precisely. He continued—no matter, I will have it fixed, and observed to me, I want you to understand, Mr. Ellis, that that will is good for nothing. I told him assertions of that kind to me were of no importance in the eye of the law, and that if he wanted to revoke and annul that will, he must have it destroyed; or make a new one to supersede
 10 it; he then replied, I will have it attended to positively; he asked me if I would have the goodness to carry a certain order to obtain that will from Mr. McKnight; I told him I could not. I think that was the last conversation I had with him on the subject of a will.

And being cross-examined, says—I removed to Crosswicks, the first time, some thirteen or fourteen years ago—I don't recollect; I have lived at Crosswicks and Bordentown continuously ever since, except, as I have observed, the winter season transiently; I had previously resided at Philadelphia forty-odd years; I was sixty-four years of age last August.

20 I don't know where Lewis Pancoast resided when I moved to Crosswicks; had no personal acquaintance with him till introduced to him at Satterthwaite's. I married (my last wife) Mrs. Henrietta Bunting, a resident of Bordentown, in April, 1848, twenty-third or twenty-fifth, forget which. When I visited Satterthwaite's, I would usually find Mr. Pancoast sitting on the front piazza; sometimes he was engaged in reading, and sometimes knitting what they call tidies. When I was there he associated with the family and their company, and seemed always pleased with their coming; he took his meals with the family, and occupied the post of honor, as
 30 I call it, the right of Mr. Satterthwaite. Whilst at Satterthwaite's, I have seen him walk up and down in front of the house, but to no great extent, on the foot way in front of the house adjoining the public road, in the garden and the walks in front of the house; I have met him while walking on the foot way of the public road; I have met him once or twice at a distance of a quarter of a mile, I judge, from Satterthwaite's; when I so met him he was alone; so far as I recollect, those occasions were but few; when I visited the family, I do not recollect upon what subjects we usually conversed; did not visit the family excepting in the company of the ladies,
 40 my wife, and sometimes my daughter.

When we were conversing by ourselves, very frequently the old gentleman (Mr. Satterthwaite) would join, sometimes his son Reck-

less, and at others Miss Eliza Reckless and Miss Mary Ann Satterthwaite; their presence sometimes interrupted our conversation, because it was confidential; at such times, the ladies who accompanied me would also join in conversation. I should have considered these interruptions as designed by the Satterthwaite family, even if Lewis had not directed my attention to it—I am satisfied they were designed. Lewis did not describe his thralldom, save he was deprived of his liberties, and did not possess the privileges that other men enjoyed; merely by being deprived of his rights and his property; he spoke of his treatment, and found a good deal of 10 fault with the manner in which he was treated; he said it was a hard case for him to be compelled to sleep in a room such as he had not been in the habit of doing (or something that way), and also that they never invited him to rides; he never complained of the table; can't answer whether he had his liberty there; I think he had, I saw nothing to the contrary. I never heard any part of the family order or direct him in any manner whatever; I have heard him complain of the insolence of Reckless Satterthwaite. I think Mr. Pancoast could not have walked on that highway as far as he pleased; I infer this from the fact that he did not do so; I 20 don't know to whom he ascribed the loss of his liberty and property; I don't think he assigned to me by what means it came; in those conversations, he spoke to me of having been to the asylum—not very frequently; he spoke of it in terms of very great reprobation; he stated that his treatment while there was very bad; that they kept him confined in his room, when he ought to have had his liberty, and of the diet on which he was compelled to live; he said his diet was very bad, not such as he had been in the habit of enjoying; he said nothing else about it that I recollect of; he characterized the asylum the infernal bastille, did not hear him speak 30 of having been confined there in a machine or box, or chair; he never mentioned any thing of the kind to me. At these interviews at Satterthwaite's he very seldom spoke of the members of his family—when he did so, he said he thought he had been treated very badly by Samuel and Emily, his brother and sister; I replied, perhaps, they had been misrepresented; that I hoped to see the day that they would be reconciled; he said Samuel was obstinate, and so was he; I avoided, as much as possible, having any conversation about family affairs—it was not my business; I think it was in '49 when he first spoke to me about falling in the lime kiln; our inti- 40 macy during the first summer was naturally not very great, being a new acquaintance; he did not speak of this subject more than

once; perhaps twice; he first showed me his legs during the second summer of my acquaintance with him; he showed me both of his legs at that time; he showed them to me but the once, that time was in Mr. Satterthwaite's piazza; there was no one else present, that I recollect; the right leg was very much scarified all over, the calf of that leg was much gone—the scars upon it were easily to be seen; I saw them from the knee down to the ankle; there were scars of the left leg but not so large, so extensive; I took a very fair view of his legs, I observed the smallness of the calf on the right leg particularly; there were scars on the front of his leg as well as the back part.

I saw Mr. Cannon about the liberation of Mr. Pancoast, I think in the summer of '49; when I communicated to Lewis Mr. Cannon's answer, he told me he had not the command of any money. I cannot say what prevented him, whilst at Satterthwaite's, from coming to Bordentown to see Mr. Cannon or some other counsel. When he spoke of purchasing a farm, he always spoke of desiring one located in the neighborhood of Bordentown; don't know what time in the day I came to Bordentown on the day of the examination before the master; cannot say what time in the day the examination took place, think it the afternoon; do not recollect what year; think I was not cross-examined on that occasion; I was the second or third one examined; I think there was no opposition to the application.

On my visit to Lewis, which I have described, the ladies who accompanied me were my wife, Mrs. Ellis, my daughter, Mrs. Stout, her friend, Mrs. Burket, Miss Eliza Rheem, a niece of my wife, and Miss Caroline Ellis, of Crosswicks; that visit was either in August or September, cannot say which; the corn of which I spoke was on the opposite side of the road from Mr. Pancoast's residence; don't know how high it was—could not reach it with a cane like this (shows cane). I labor under a defect of vision—it arises from natural causes, originally from cataract, which has been removed; can distinguish persons walking in the street whose countenances I well know; I have frequently mistaken one person, or one object for another; I have often mistaken the true character of objects which I have examined; there is a possibility of my having been mistaken in the height of that corn, no very great probability, however it was the highest I ever saw. On one occasion I mistook the figure of a wheat sheaf, on the iron railing of Mr. McKnight, for the figure of a bird—a bird without a head, and said so; don't know that I felt of the figure; I saw the wings hanging

down, as I supposed; I published a critique in the paper on the beauty of Mr. McKnight's fence, and Bullock criticized me pretty sharply as one wiser than Solomon; it was in the early part of the summer of '49 that I became perfectly satisfied of the saneness of Mr. Lewis Pancoast's mind, after frequent intercourse with him; he manifested a very extraordinary memory; he evinced his memory by quoting paragraphs from different authors, both in prose and poetry; these quotations were not very frequently made; he frequently did so in the presence of the ladies; I don't recollect that he particularly did so when we were alone—he may have done 10 so once in a while; our conversation, when alone, was of small importance. He also brought to mind events that had occurred, both in Europe and in this country, which showed he had been an extensive reader; I do not recollect the circumstances which gave rise to these quotations, only they were made in general conversation; I have frequently come across men who made more use of quotations in ordinary conversations than Mr. Pancoast—I think gentlemen as much so who were not professional or literary men by profession. The last personal interview I had with Lewis was, I think, in the fall of '52, before going to Philadelphia. I had a 20 very high friendship for Lewis Pancoast as a stranger; I heard he was sick when I returned that spring; the reasons why I did not go to see him are those I have stated in my original examination; when I saw him with saw and hatchet in hand, he was apparently trimming trees, and working round as other gentleman farmers do—this was in the summer and fall of 1852. At the grave of Mr. Shreve he did not manifest any feeling, save by words, did not cry; he made some pretty observations, which were original, were neither prose or poetry, were the workings of his own mind, and I have no doubt the feelings of his heart; we were by ourselves 30 when he made them; we preceded and went to the ground before the corpse was brought there a few minutes; I do not recollect what he said, the words were of a serious and solemn character, and made impressions on my mind; one observation I recollect distinctly, he put his hand on my shoulder, and said, Ellis, "that will be our fate," also, "he was an honest and good man," alluding to Mr. Shreve; this is all I remember at this moment.

The conversation between myself and Lewis about the will, in Samuel's office, was after the restoration—whilst he lived at Peter Shreve's; this was shortly after the restoration. It occurred to my 40 mind to ask Lewis about making his will, from his great anxiety to make one whilst at Mr. Satterthwaite's; I was not interested in

any manner whatever that he should make a new will; I had no conversation with any but Lewis in relation to his making a will; cannot say why he did not go and get the will himself of John McKnight; he did not give any reason why he did not go to McKnight's himself; I never saw Mr. Lewis Pancoast drink a drop of any thing in my life, only water; I spent forty-odd years in Philadelphia in mercantile business; since then I have lived entirely retired, have attended no business whatever; am not a physician.

- 10 Examination in chief resumed.—When Lewis spoke of being deprived of his liberty, he spoke altogether of not being allowed to use his property as other men did. He frequently observed that he considered himself much more capable of taking care of his own property than was his guardian; I considered him so too, or I would not have taken the part I did in getting it restored. He conversed with me generally of the passing topics of the day, going on in the political.

Question. When you took the papers out to him, did he converse about the topics contained in them and moral world?

- 20 *Answer.* I generally left the papers with him; our conversation was generally on the passing events of the day, with which he seemed to be well posted; he conversed upon passing events remarkably rationally and understandingly, considering he had so little intercourse with the world. I recollect sitting on the piazza of Mr. Satterthwaite with Mr. Satterthwaite and Mr. Pancoast; Mr. Satterthwaite rose, and observed he would have a very fine crop of wheat; it was in front of piazza on the opposite side of the road; this was just before his harvest. Mr. Pancoast observed to him, yes, squire, you will have a fine crop of grain, but you make more
30 money out of me than you do out of your whole farm. Satterthwaite smiled, and we took our seats again; don't recollect what summer this was.

Cross-examination resumed.—Lewis did not complain of being deprived of his personal liberty at Satterthwaite's.

DAN. C. ELLIS.

Sworn and subscribed, this sixteenth day of November, in open court.

GEO. HAYWOOD.

Nimrod Warner, a witness produced on the part of the probate,
40 being duly sworn, saith—I live in Bordentown. I knew Mr. Lewis

W. Pancoast; I first became acquainted with him in 1851; he boarded at Peter Shreve's at that time. I recollect when he moved on his farm, it was in November, 1851; I was then engaged in butchering; I was in business for myself at that time; I saw Lewis frequently after he moved on the farm, as often as two or three times a week up till the time, or about the time, of his death; I used to sell meat to him; I bought his stock of him; there was no person present when I bought stock of Lewis Pancoast—not at all times; he and I made the bargains for stock ourselves; he bought most part of his meats himself of me; I have presented 10 bills to him and made settlements with him; when I went to his house I sometimes found him in the house, sometimes in the garden, sometimes the yard. Bill and receipt from Lewis W. Pancoast to C. W. Foulks, from May 15, '52 to July 1st, inclusive, shown to witness,—the handwriting of the bill is my brother-in-law's, Cassander Foulks; Mr. Pancoast and myself did not settle the bill. Receipt, dated March 19th, 1853, from Foulks & Warner to L. W. Pancoast, shown to witness—I gave that receipt to Mr. Pancoast; the signature, Foulks & Warner, is mine, the body of the receipt is in Lewis Pancoast's handwriting; this was given 20 when I settled for the stock; I paid him the balance due him, some thirty-nine or forty dollars; he made the settlement with me himself at that time. Bill dated April 14th, 1853, and receipt (shown to witness), from Foulks & Warner to Lewis Pancoast, amount \$3.80. I settled that bill; Mr. Pancoast paid me the money at that time. He always settled with me as though he understood what he was doing; I always found him particular and correct in his dealings; I never felt any hesitation at all in dealing with him. When he sold me stock, he always appeared to understand the value of what he was selling; at these times, I never saw him but 30 that in my opinion he was perfectly capable of attending to business. I kept still supplying him with meat until his death; I supplied him all the while he lived on the farm; I don't know whether I was out at Lewis' after the 19th of April; I sent him meat after; the 19th of April was when he paid me that bill; on the 19th of April, when he paid me that bill, he appeared entirely capable of transacting business, as much so as any man I ever dealt with. I bought some calves and two beeves of Mr. Pancoast; I bought nothing else, while he lived on the farm, of him. Lewis Pancoast never showed me any scars on his leg. Lewis lived not more than 40 a mile from Bordentown, may-be a little over. When Mr. Pancoast and I settled these bills, he produced a pass book, in which he kept

an account when he did not settle with me at the house ; he sometimes paid me in cash for meat, almost always when I drove out there ; when I gave him the receipt, 19th March, '53, I had an account against him which offsetted a part of his account ; Mr. Pancoast at the same time gave me a receipt ; Lewis wrote both receipts.

And being cross-examined, says—I saw Lewis the last time before his death, when I settled with him and received \$3.80 ; no one spoke to me in relation to this stock before I purchased of Lewis ;
 10 I had not a word of conversation with Samuel Pancoast about it ; I recollect the last time I purchased stock of him, I think it was in February, '53, I bought two steers of him then ; there was no one present then ; Lewis and myself had considerable conversation—nothing more than about the stock ; he never talked with me about having been in the asylum ; never spoke to me in relation to being burned in the lime kiln ; Lewis spoke about his sister Emily ; he asked me if I knew how she had treated him. I told him I never had heard any thing at all about it ; he said she had kept things of his that belonged to him, and would not give them up to
 20 him ; he did not state to me what they were ; he appeared to be out of humor with her some ; I don't recollect when it was—it was when I was out there with meat—some time in 1853 ; I think it was before I purchased those beeves—am not certain. When I last saw him, April 19th, he appeared to be in very good health ; he was not complaining at all ; during the latter part of his life, I believe he was intemperate ; so far as I know, have never seen him when I thought he was under the influence of liquor. My younger brother lived with him—he lived with him almost all the time he was on the farm ; he lived with him up to the period of his death
 30 —his name is John Thompson Warner. My father worked for him, also, during some of the time he was on the farm.

Lewis paid me the \$3.80 bill in cash—he had no offset against that bill then ; the whole of bill and receipt is in my handwriting ; my object in calling that day was to get that bill, and he paid it ; don't recollect that I sold a bit of meat then—I might have done it ; the words, "received payment," were written at home, before I presented the bill, I think ; Lewis did no writing that day whilst I was there, that I know of ; don't know of any other business being transacted that day but presenting the bill and he paying it.
 40 I bought several calves during the winter before I bought the steers. When he had a calf fit for killing he would let me know ; he would be in Bordentown and let me know, or would send in by

his men—his teams were in every day. I had made no bargain with him about price; he had told me when he had any stock fit, I should have it. I was to have the calves—when they were fit he was to let me know; I can't tell when this understanding took place—I suppose it was when I got the first calves.

Examination in chief resumed.—In purchasing stock, Lewis and I always fixed on the price before I took it; he was always particular about the price he got; I never bought from him for less than I did from other folks; he wanted all he could get and bought as low as he could; sometimes he complained of not having meat 10 enough—this was when I neglected to go out there. He has asked me for his meat bill; when we compared accounts they always agreed; he always set the meat down in the pass book he carried in his pocket when he had not the change for it; my account corresponded with his pass book; some days I would neglect going, and he would not know what I sent.

NIMROD WARNER.

Sworn and subscribed, this 16th day of November, A. D. 1854, in open court.

GEO. HAYWOOD. 20

Abraham Anderson, a witness produced on the part of the probate, being duly sworn, says—I live in Bordentown; knew Lewis W. Pancoast; knew him ever since I can remember; I am forty-six years old next May; I was intimately acquainted with him; remember his living on the farm Samuel Thompson formerly owned, near Bordentown; I sat as one of the jurors on the inquisition that found him a lunatic. I saw Lewis frequently in Bordentown after he was restored to his property; I had business transactions with him; I had sold to Mr. Pancoast, rails and posts was the chief —I can't tell certainly how many, about five or seven hundred rails; 30 I can't say how many posts; he made the bargain with me for them; I delivered them on the place in his barn yard. I think I presented my bill; Mr. Pancoast made out a bill himself for the rails and posts; I think Mr. Pancoast paid me \$30 cash—it amounted to something like \$65, and gave me his note for \$35.

Exhibit blank, on the part of the probate, being shown witness —That is the bill which was made out by Mr. Pancoast.

Exhibit blank, on the part of the probate, being shown witness —That is the note Mr. Pancoast gave me for the balance; he at that time appeared to understand the business he was transacting; 40

the settlement was made at his house; Mr. Pancoast got them rather lower than I had been accustomed to sell them; Mr. Pancoast was a pretty tough man to deal with; I was not long at his house in settling; I saw him after this—I know I saw him frequently; I saw him at his house, and very often in Bordentown; I never had much conversation with him; he appeared to be as right in dealing as ever I knew him; I have known him since I knew any body. I was in the habit of seeing him along in the spring of '53 frequently; we at these times would pass one another, say how
 10 de do, had no conversation much; I would see him frequently at Bartlett's tavern; Pancoast owned that property; I never was at Mr. Pancoast's house more than two or three times after I sold him the rails; can give no idea how long after I sold him rails when I was at his house; when I was at his house, I saw Mr. Pancoast; I had some talk with him; on these occasions he did not say or do any thing that indicated a want of reason.

At the time I sold Lewis Pancoast the rails and posts, I had considerable conversation with him; he did speak of the events that took place when he was in business; his memory was good, I al-
 20 ways thought; he appeared to be as sound to do business and capable as any man I ever dealt with, and I have dealt with a great many.

Cross-examined.—The transaction about the rails took place between us, I think, in 1851; Lewis W. Pancoast first spoke to me about the rails himself; he did not make out a bill for them; I did not make out a bill, because I thought there was no use; his man kept account of them; when he made out the bill, there was no one present but our two selves; I expect he had at that time the account his man kept; he had every thing right to suit me; the
 30 man that kept the account his name was Thomas Fenton; I had no other business transaction with him except this; I had no conversation with him after this in particular; I saw him frequently after this at the tavern or over at the market house, or at the corner, walking about there; I was never long in the tavern with him on these occasions—my business never called me there long; I would often step in and out. At the time of this settlement about the rails he spoke of being at Satterthwaite's; his conversation was, in general, about his being used bad, and had not the liberty of coming home and attending to his property; he said he ought
 40 to be at home taking care of his property, or something like that; I cannot say whether this declaration included the whole time he was at Satterthwaite's; in the spring of 1853, I was in the habit of

seeing Lewis in Bordentown or at his farm frequently; I can't tell when he died, I think in 1853; I can't give an answer how long it was before his death that I saw him the last time; I think the last time I saw him was in Bordentown; I did not see him after he was taken sick—I heard of his sickness; I don't recollect; I can't tell whether it was in the winter or spring that I saw him the last time before his death; I think it was in the spring of '53; it must have been early in the spring; Lewis gave a note for the balance of the bill that he did not pay me for the rails.

Note shown to witness—That is the note; the time the note was 10 given it had no date; it is made payable 1st January, 1852; Lewis did not pay the amount of the note to me; I don't know who Lewis paid it to, but Mr. Hutchinson paid it to me; I can't tell when it was paid; it was paid before Lewis' death—pretty soon after I got it, as near as I can tell; it could not have been many weeks.

Examined in chief again.—Mr. Hutchinson paid me the money for the note; I was wanting to make up some money at that time, and I had some notes, and Mr. Hutchinson saw them, and he told me that he would cash that one for me—this was before it was due. Mr. 20 Hutchinson discounted the note for me, and I endorsed it over to him; this was one of several notes that I showed to Mr. Hutchinson, and he said he would take this. He never talked to me about being at Satterthwaite's only on one occasion, and that was at the time we settled for the rails. When we settled, I had the amount of rails and posts I sold him marked in pencil on a piece of paper; he had the account as I had it, and made out the bill.

Cross-examined again.—He had his marks of loads as they come, and they corresponded with mine; I think he had them on a piece of paper—any how, he had them all when we finished; I can't tell 30 whether this paper was in Fenton's or his handwriting; he said he had the account of it, and mine was right. He was a man that would not settle, unless he knew the account was right, for he was very particular in those things—and he said mine was, and he made out the bill.

ABRAHAM ANDERSON.

Sworn and subscribed in open court, November 24th, A. D. 1854, before me.

GEO. HAYWOOD.

Thomas Farnham, junior, a witness on the part of the probate, 40

alleging himself to be conscientiously scrupulous of taking an oath, being duly affirmed, says—I live at White Hill at the present time. I knew Lewis W. Pancoast; I knew him when he carried on the lime business; I will be forty-one the 28th day of next June; I have been employed by him; I recollect Lewis W. Pancoast being burnt in the lime kiln; I think it was between sixteen and eighteen years ago, as near as I can tell—it has been so long ago I can't tell; they were measuring out lime and the arch fell; there was a very hot bed of lime and coals under the arch; Henry Luke went
 10 down with Lewis, but Henry climbed out; we dug Lewis out; I helped him; Daniel Gilmore assisted, and my father Thomas Farnham; Daniel Dunn was there at the time, but is now away—he helped; John Jones was there, and assisted; we took Lewis down to the office; I examined his legs; I found them burnt, both of them; his right leg, I think, was burnt the most; his left leg was burnt some; we bathed his legs with liquor; the next was, he was taken home—I won't positively say how he was taken home, it was in a big arm chair or a sofa; Henry Luke was one, my father and Dan Gilmore assisted; I don't recollect the others; there was a
 20 stranger; there was four of them that carried him; I don't recollect what house he lived in—we took him to his own house; I did not see him after he was at his house; he was confined to his house by these burns about three months, I think; Doctor Cook, I think, attended him; I was not at work for Lewis Pancoast the day the accident occurred, but I was there; I was at work the day before; there were teams there that day for lime; just before the accident took place we were measuring out lime; Lewis was pulling lime off the arch when it fell.

Cross-examined.—I worked for Lewis until the last kiln of lime
 30 was burnt and he rented his kiln; I forget what year it was; I worked for him better than seven years, off and on; I forget what year it was he discontinued burning lime—I don't remember; at the time this accident occurred, I think it was in June or July, I won't be certain which—it was warm weather; I think it was between one and two o'clock in the afternoon, if I recollect right, I won't be certain; I can't tell how long it was before he discontinued the lime business or burning; I had been in his employ during that summer; at the time this accident happened, the kiln had been standing or burnt off about two days and nights; previous
 40 to this accident, the lime had been taken off of the top down to the arch; Lewis fell about ten feet from the top of the arch; it took about three hours to get him out; there was from three to four,

may-be five, a digging ; when we got him out he was burnt very bad ; his right leg was burnt from the knee up to the hip, and his foot was burnt, the top part of his foot ; there were no other burns on that leg ; the worst burns were from his hip down to his knee, on his right leg ; his left leg was doubled under him, and did not get burnt so bad ; the burns on the left leg were two little ones on the thigh, and one on the calf of his left leg ; on that day, he had a pair of thin boots on, as he always wore ; he had summer pantaloons on, I don't know what quality they were. The lime came up around him about breast high ; all his body entirely up to his breast, 10 was covered up in the lime ; he was standing at the time he fell in ; he had not been sitting around or on the top of the kiln during that afternoon. I think he kept house at that time, I won't be right certain—I think he kept house in one of Tiel's houses, in Tiel's row ; his wife was not living at the time he was burnt ; Henry Luke and Daniel Gilmore were the two men who carried him to the office at the time he was burnt ; they placed him on a long bench in the back part of the office ; I don't remember what else was done with him ; I do not remember any more ; his boots were taken off in the office ; I do not remember whether he had on 20 stockings or socks ; his pantaloons were unbuttoned and stripped down ; after his boots were taken off, and his pants stripped off, don't know what else was done ; he was bathed by Daniel Gilmore and my father ; they got whiskey to bathe him, at the corner store where Henry Bryan keeps now ; I don't recollect who kept that store then—I was just trying to think of the name ; he remained in the office about three quarters of an hour, as near as I can tell ; the doctor was sent for ; Henry Luke went after him ; the doctor came down to the lime kiln ; I don't know what the doctor done ; I did not go up to the house with him ; I did not see him after he 30 was taken there ; I did not go in to see him at all after this ; about two months after the accident, I saw him again ; he was confined to his house close to three months ; he was not out but very little ; I saw him at his house as I was going along the street—he was sitting in a chair at the door ; I don't recollect the name of the person who kept house for him ; during the time he was confined to his house his business went on ; I don't recollect the name of the person that attended to his business whilst he was confined ; I did not work for him whilst he was confined ; I was at work at another kiln for other men, Israel Asay, and Thomas ; 40 their lime kiln was about a quarter of a mile up the creek from his ; I did not know who carried on his business, but I know it

went on; at the time I saw Lewis sitting in his door, as I was going along the street, he did not show me his legs—he never did show them to me; after he got about he was lame a good while; Daniel Dunn was an old countryman, from Ireland, who burnt his coal kiln; he is out west now, but I don't know where; my father is not living; Daniel Gilmore and Henry Luke are not living now; at the time Lewis fell in the lime kiln, John Jones helped dig away from around him the same as the rest; I don't think Jones did any thing else; I think it was Henry Luke went after the doctor—

10 I am certain it was. There was a colored man at that time worked for John Combs by the name of Henry Jackson; Combs was then getting wood from Duck island down to Bordentown; he had not then rented the kiln; Combs was landing his wood at Bordentown at that time, at old landing hill; Henry Jackson never worked for Lewis, that I can recollect; Lewis had colored men in his employ at that time, Sam Phillips was one; Charles Phillips worked for him—nobody else that I know.

I don't know how long it was after this accident that Lewis went to the asylum; I knew that Lewis went to the asylum; I can't tell

20 how long it was before he went to the asylum that this accident occurred; at the time the accident occurred I did not speak of it to any of my immediate acquaintances; I have not spoken of it since to any one; I was reminded of it when Mr. Samuel Pancoast come to me—I think it was either last Monday or Tuesday; I had forgotten all about it until Samuel come and remembered me of it; he did not tell me what John Jones had said; he did not tell me any thing, only gave me a subpoena and a half dollar, and told me he wanted me to come up here (Mount Holly); he wanted me to

30 come up here and tell what I knew; I suppose Samuel asked me if I recollected any thing about his brother being burnt; when I come to think I did; I have not had any conversation with Samuel about it since; when Samuel called on me, last Monday or Tuesday, we did not talk this accident over, and how it had happened; I did not tell him the particulars of it; I never did tell him; at the time the accident happened I was employed by the day; I was not doing any thing that day, but we always stayed around, in case there came a heavy rush of teams; there had been teams there that day; there was from three to four there then, I think; I helped measure up some of the lime and helped load; I did not know the

40 names of the drivers of the teams; it was not known much in the neighborhood when Lewis fell in the kiln, until after we got him out; there was no one lived in the neighborhood only Daniel Gil-

more, who lived in Lewis' house; it was something like three or four hundred yards from the kiln up to the first street where there was a house; Lewis did not make much outcry when he was in the kiln; when they sent for the doctor, he was carried to the office; the office was about fifty yards from the kiln; the doctor carried him in his wagon—it was Doctor Cook who came to the office; Luke came back afoot, just behind the doctor; in going to Doctor Cook's house, you go up the old school house alley; a man would not have to go through the heart of the town, but cross the Main street, opposite to Bennett's house; then he would go up the old 10 school house alley, opposite the Main street; he would pass through an inhabited part of the town.

There was not any body sent after Lewis' family, as I remember of; I think Samuel was there; I don't know whether any body went after him or not; I cannot say certain that Samuel was there; Samuel used to often come down that way around—he used to come around there; there was a few men from the town came down there after he was out—after we got him at the office; I don't know who they were that came down there—I don't remember; they were strangers to me—they were people who live in 20 Bordentown; I lived at Homer's bridge at the time of the accident; I lived in Mr. Pancoast's house five years, and I have lived at White Hill three years; I have lived at Homer's bridge the principal part of the time; I work at the railroad, sawing wood; I am a laborer; I have not lived out of the neighborhood of Bordentown since the accident; Luke was burnt but very little at that time—he was singed a little—his arms and fingers, a climbing up; he only went down half the way; the lime did not cover Luke up; they both fell at once when the arch went; they fell about four feet apart; I think the kiln is about fourteen feet across the top; 30 Lewis' pantaloons were not burnt; I believe there was an old colored man lived near the lime kiln, Jim Green, I think they called him; neither him or his family were there at the time of the accident; I do not know how Luke got out of the kiln; I was not there at the time they were taking him out; Henry Luke got out first; I was down on the wharf when they fell in; he was measuring out lime with Henry; I know he was, because Henry said so; it was about five minutes after they fell in the kiln before I got there; Henry was out when I got there—Lewis was fast, of course; Luke 40 said he went down about half way; Lewis fell straight down; I don't know where they got the arm chair or sofa that Lewis was carried to his house on; I have only been sworn once before in court—I

then took my oath I would not swear to-day; I wanted to tell things as near the truth as I could without the trouble of swearing to have it right; from the top of the kiln to the top of the arch is about five feet; Lewis was laying about thirteen feet below the top of the kiln; Samuel and Charles Phillips were driving Lewis' carts that day; I don't know any thing more about his affairs; I don't know where they were driving his carts from or to; I don't know what they were carting.

10

His
 THOMAS ✂ FARNUM, jun.
 mark.

Affirmed and subscribed in open court, November 24th, A. D. 1854.

GEO. HAYWOOD.

The counsel of caveat moved to overrule the testimony of the above witness, on the ground that the oath should have been administered to him, instead of the affirmation.

GEO. HAYWOOD.

Thomas C. Gibson, being sworn on the part of the probate, says—
 —I live at Mansfield Square; I was some little acquainted with
 20 Lewis W. Pancoast during his lifetime; I have been engaged in
 threshing for the last two or three years; I have done threshing for
 Lewis W. Pancoast; I was coming along the road with my machine—he was in his yard; he asked me what I had for threshing, how much a bushel; I told him I had three cents for oats and five for wheat; he wanted to know if I would come and thresh his crop; I told him I would, and which I did do; I was there the best part of a week threshing, as near as I can tell; I saw him every day I was there; I ate at his house; I did not pass much conversation with him; I did not make out a bill; no one else made
 30 out a bill that I know of.

Paper writing, marked *Exhibit* blank on the part of the probate, being shown witness, he says—That is my signature; I can't say in whose handwriting the bill is; it is admitted that the bill is in Lewis W. Pancoast's handwriting, dated September 29th, 1852; Lewis paid me the money; in paying me, he paid me over and above what was coming to me—some little, because we neither one could make change—we fixed that afterwards; one day I saw him in Bordentown, and paid him the balance. When we were there

threshing, Lewis sometimes would be in the house, sometimes he would come to the barn where we were at work; I think he manifested an interest in the work going on; I do not know that Lewis had much conversation with his men; Lewis ate with us and the rest of the family when we were there; he appeared as rational as any man; I did not see any difference between his actions and other men doing business; I don't recollect much about the observations he made about his crops and farming; I can't recollect whether the bill was paid at the time the receipt bears date; I have not got it set down any where; it was paid me by Lewis himself; 10 it was paid some two or three weeks after we got through threshing; at the time he paid me and settled with me he appeared to act as if he knew what he was about; when he made the bargain with me he made it as a rational man would do; I did not see or hear him say or do any thing the whole time I was there but what was rational.

Question. At that time was he entirely rational and fully capable of transacting business, in your opinion?

Answer. He was.

[Question objected to.]

20

This threshing was done in 1852; I think it was in August or September, I don't know which; it was perhaps a week, or may-be longer, when I paid him the balance that was coming to him in Bordentown; I think the balance was about twenty cents.

Question. After you had done threshing, and before you had settled with Lewis W. Pancoast, did you see him in Bordentown, and did he ask you to come out and get the money? [It is objected to as being leading.]

I did not see him in Bordentown; I was going by his house, and he was in his front yard, and he spoke to me; he wanted to know 30 if I wanted the money for threshing; I told him I was not in any hurry about it; he says, come in, and I will pay you; I went in and settled; at the time he called me in, he had the number of the bushels of grain I threshed on his book—that account was correct; when I saw him in Bordentown, and paid him the twenty cents he recollected that I owed him, I says good morning Mr. Pancoast; he said good morning; I says here is the balance of this money that is coming to you; he says very well, it is all right.

Question. Was he rational then. [Objected to.]

Answer. He was.

40

Cross-examined.—His hired man gave the number of bushels I had threshed, and he had cleared it up; his hired man gave me the

account of it ; his hired man was Thomas Fenton ; I did not measure it ; I supposed he at the same time rendered the account to Lewis. [This answer is objected to, because it is a supposition of the witness.]

During the time that I was threshing there Fenton had not the direction of it, as I know of ; I did not receive any thing only the number of bushels from Fenton. The price I have stated, and what I charged Lewis, is my fixed price for threshing ; there was no other bargaining about the matter than I stated my price ; he
 10 said he wanted it done ; I ate two meals there daily, dinner and supper ; Lewis did not throw his conversation to me, as I know of particularly, whilst I was at work there ; I did not hear him make any complaints to any one whilst I was there ; during the time I was there, I did not see Samuel out there ; I did not, at that time, hear him say any thing about being at Nathan Satterthwaite's ; I did not, at that time, hear him complain of his leg ; the day he called me in to settle the bill, he had it on his book ; he reckoned it off on a piece of paper ; he appeared like a man would do a farming, stirring the hands up, trying to get along ; I got paid by
 20 the bushel ; Thomas Fenton, Benjamin Matthews, Thompson Homer, and Henry Emley, they were all employed by him ; himself was the manager of the farm, I suppose ; Thomas Fenton was head man under him, I suppose ; Lewis did not do any work himself, that I know of.

THOMAS C. GIBSON.

Sworn and subscribed in open court, November 24th, A. D. 1854.

GEO. HAYWOOD.

James Wells, alleging himself conscientiously scrupulous of taking
 30 an oath, and being duly affirmed, says—I live between Bordentown and Rising-sun Square, some mile and a half from Bordentown ; I am going on sixty-seven, if I live to see next August. I knew Lewis W. Pancoast before his death some forty years, I suppose ; I knew him when he carried on the lime burning business in Bordentown ; I had not much dealings with him at that time ; once in a while I would buy a small quantity of lime of him for whitewashing ; I recollect of his living on a farm near Bordentown ; I had occasion to see him while he lived there ; I guess it was some time in December, 1852, I went there to see him ; I went with a view to
 40 try to get my son in to farm for him ; he talked as if he was not very well satisfied with the man he had, and did not think he should

keep him another year; he talked as if he would like to have Charles (my son), if they could agree upon the price; he lived at that time at Reading, Pennsylvania, and I had to make the bargain for him; Lewis wished me to write to him, and to see what his terms were, and I did so; he sent me word what the terms were, and I went to Mr. Pancoast, in February '53, and told him what the terms were—I think it was towards the latter end of February; he did not seem to find any fault with the price, and I sent word back to Charles; Lewis said Mr. Fenton had no place to go to, and he thought of keeping him on until the 25th March or 1st of 10 April; he requested me to call again about the 18th or 20th of March, and he would give me a positive answer then; before that time arrived, about 20th March, I got a letter from my son that he had bought a little property in Reading, and did not care to come; I did not call any more to see Mr. Pancoast, as the boy had given out coming; I think I was at Lewis' house in December about two hours; I had considerable conversation with him about his farming and stock, and such like; he took me around his buildings to look at his wheat; he had just got his wheat threshed out some little time before that; I looked at the wheat, and then he showed me 20 his cattle, cows, &c., fine cows they were too; the wheat was nice, as pretty grained wheat as I almost ever saw; he did not show me any thing else, except his hogs, horses, hay, and so on; he appeared to manifest a good deal of pride in his stock and farming; I don't know that I can tell what passed or what else was said—I don't recollect of his speaking about his old business much; I think he did speak about his burning lime in the interview of February, 1853; he said he had not as much land as he wished—he would like to buy forty or fifty acres more; the crops he did raise were good, but he had not land enough to raise as much as he would 30 like to; I was at his house in February, some two or three hours, I suppose; we had considerable conversation; I can't recollect one half we were talking about; he appeared like other men on these occasions, reasonable and rational, as I thought; he appeared to me to be about the same he was thirty years ago; his memory appeared good; he spoke about things that had transpired a good many years back; I think, in the interview of February, he spoke to me about a claim or mortgage he had against Capt. Duncan; he said he was afraid he would have to enter up the mortgage, he could not get any thing out of him; he said he did not wish to dis- 40 tress the man, but he wanted his money; I don't recollect that he said any thing more about this—Lewis' capability to transact busi-

ness, from what I saw of him, I would have been willing to have made a contract with him; I judged him to be as capable as he ever was, from what I could see of him; he did not say or do any thing but what was entirely rational; at that time, I did not live over a mile and a half from Lewis' farm, to go across—it was further to go around; I follow shoemaking.

Cross-examined.—I was induced to visit Lewis in December, with a view to try and get my son in to farm for him; I had heard previous to that he was not going to keep Fenton, and that Lewis
 10 wanted a man, a farmer; I heard he wanted a farmer; I heard this from Sammy Higgins; Lewis sent word to Sammy Higgins, and he could not go, so I thought I might as well go; in that interview, he stated the reasons why he was not satisfied with Fenton as a farmer; he had no fault to find with his work, he allowed; he seemed grumpish—if he asked him a question he would not give him a pleasant answer; he allowed he wanted a man he could converse with and appeared to be good natured; I don't know that he said any thing else about him; it was all the reason he assigned for not keeping him; at my interview in February he told me the same
 20 about him as he did the first time; that was all the fault he found of him. After my son bought a little property in Reading, I did not notify Lewis of it; I went to see him, but he was not at home—this was some time in the fore part of March. I called to see him, but did not see him; I did not leave any word for him; he never sent to make any inquiry why my son did not come; Fenton has lived there ever since, I believe; at the first interview, it did not take Lewis long to show me his stock; during the two hours we were there on the first interview, we were principally in the room and walking around the buildings; I don't know that I can recollect
 30 what other subject we conversed about of any importance, except about my son; I don't think there was much said about things that had occurred a great while ago; I recollect he mentioned about my killing hogs at his father's when he was quite a boy; I don't recollect of any recent events he spoke about of any consequence; he did not say any thing about his being deprived of his liberty or property; he spoke about having made sour krout at Satterthwaite's whilst he lived there; he said they never ate any until he made it there, and was telling how fond he was of it; I don't recollect of his saying any thing else about being there at
 40 Satterthwaite's; I don't think there was much said about his lime business; I don't know that I can recollect what was said; he did not say any thing or complain about his being burnt in the lime

kiln at that time; he not allude, in any way, about his residence at the asylum at that time to me; I don't think he made any complaint to me at that time about his treatment, bodily health, or his family; he did not show me his legs; he offered to show me his stock and wheat at that time; the last time I was there he did not say any thing about his stock, I think; in February, '53, when I was there, I don't recollect any subject he spoke about, except the business I went there for; we were talking about our business some half the time, perhaps an hour, between that and an hour and a half; I don't think I can recollect any other subject we were talking about at that time; he spoke to me about killing hogs at his father's some forty years ago, which I had forgotten, until he mentioned that one of the hogs caught me by the trousers leg, and tore them off nearly; I don't think he spoke of any other remote events; he laughed about my witheing up my trousers legs to make them last me home; it was at this last interview that he spoke about the Duncan claim; I think he did say that he had not then entered up; I am not right positive whether it was the first time I was there or the last, he named it, for my memory is not very good; either at the interview in December or February, he spoke about the Duncan claim (mortgage); I did not eat at Lewis' house either time I was there.

Re-examined by probate.—I think it was in February he reminded me about the hog killing affair—I think I am certain it was.

JAMES WELLS.

Affirmed and subscribed in open court, November 25th, A. D. 1854.

GEO. HAYWOOD.

John Osmond, being sworn on the part of the probate, saith—I live in Bordentown; I was acquainted with Lewis W. Pancoast some sixteen years, I suppose; I had an interview with him at Peter Shreve's—I don't remember what year it was, but it was the summer of the same year he came from Satterthwaite's; I had an interview with him concerning his property; I was assessor of the borough at that time; I am assessor of the borough now, and have been for the last four years, and am assessor of the township now, and have been for two years; I spoke to him in regard to his property, and he named over the different properties he owned in the borough; I showed him the value of his property the year previ-

ous, and assessed him with the same value, and he appeared to be satisfied with it; I believe that is all the conversation we had at that time; if I recollect right, he named his different property correctly to me, and mentioned over his different houses, lots, and lime kiln property, &c. I had not much conversation with him, just merely enough to transact our business at that time; I don't know whether he moved from Peter Shreve's to his farm or not; I think the next time I saw him was between that and the next spring, some time in the fall or winter; nothing much at that time took
 10 place between us, except merely a few words; he was in the alley, some where between his house and mine, having some repairs done to his house; I have no recollection of what was said then, we merely passed the time of day, and so on; I don't remember seeing him again to have any conversation with him, until he lived on the farm; I don't remember the time I saw him on the farm; it strikes me I had some dealing with him in the fore part of the winter after he moved on the farm; in February, '52, after he went on his farm, he sent for me to come out there, and I went out; when
 20 I got there, he told me that there had been some person there after his old house that stood next to me, and if I was a mind, I might take the property on my own responsibility, and be accountable to him for the rent, and rent it to such tenants that suited myself; he said the reason for this was, it was not pleasant to live alongside of all kind of people; he stated there had been colored people, Irish people, and all sorts after it; he said he thought I could put tenants in to suit me better than others that might otherwise get in the house through him; I inquired of him what the rent of the house was, and he told me twenty-five dollars a year; I told him I would take the house. [This was a tenant house belonging to Pancoast,
 30 and adjoined the house I owned, and which I lived in.]

He then told me, after I had rented the house, to go to Mr. Hutchinson, who had the renting of it, and tell him that I had rented it; when the first quarter's rent was due, I went out there, and settled; he gave me receipts for some of the times, and some not; I don't know whether I took receipts for all or not; I saw the rent credited on his book with his own hand.

Receipt, July 6th, 1852, for \$6.25 from L. W. Pancoast to witness, and marked *Exhibit* blank on the part of the probate, being shown to witness, he says—The body of the receipt, as well as the
 40 signature, is in Lewis W. Pancoast's handwriting.

Exhibit blank, on the part of the probate, a receipt dated April 1st, 1852, for \$4.25, from L. W. Pancoast to witness, being shown

witness, he says—The body and signature of the receipt is L. W. Pancoast's handwriting.

Exhibit blank, a bill and receipt from witness to Lewis W. Pancoast, dated April 1st, 1852, for \$2.12½, shown to witness, he says—That is the bill I presented to Lewis W. Pancoast; it was settled by being taken out of money due for rent; my business at that time was harness making and trimming; I continued to pay the quarterly rent to Lewis W. Pancoast, as it fell due, up to the 1st January, 1853; almost every quarter I had a little bill against him.

Exhibit blank, on part of probate, receipt from witness to Lewis W. Pancoast for \$5.85, dated November 28th, 1852, being shown to witness, he says—That is a bill and receipt that I settled with Lewis W. Pancoast.

Exhibit blank, bill and receipt from witness to Lewis W. Pancoast, dated January 1st, 1853, for \$1.80—That is a bill and receipt that I settled with Lewis W. Pancoast at that time; the one dollar twenty cents deducted from the bill is for two hundred weight of hay I bought of Mr. Pancoast, for which there was no book account, which was kept in remembrance until we settled; I think I have no receipt for rent from Mr. Pancoast for January 1st, 1853; 20 on these settlements, he examined the bills I handed him minutely; he has spoke to me about the lots on which I have my house; he said if he had known his sister wanted to have sold it, he would have bought it of her himself—(I bought it of her); he said he would have liked to have it to keep it in the family, as it was property that had belonged to his grandmother; I told him I would sell out to him altogether; he asked me what I would take for it; I told him I would let him have it for \$1200; he said immediately it would not do to pay that price for it to rent; I bought the lot, and built the house on it—I gave \$165 for the lot; the property I 30 suppose would have rented at that time for sixty-five or seventy dollars; I thought of going away just before that time and offered it for \$65 if I did go; I intended to rent it if I did go; nothing more passed at that time, I believe.

I took a man to the farm once to see about getting work; I think it was in the spring after he moved on the farm; I told him I had brought a man out there to see about getting work, either carpentering work, fencing, or any thing like that—he was a rough carpenter; he said to the man he had some fencing that wanted doing pretty soon, it was a post and rail fence; Lewis and him talked 40 about the work and price; Lewis asked him what he would put it up for by the panel; the man told him whatever the customary

price was, he would do it for; they talked about the hewing and holing the posts and putting up the fence, &c., and, after they talked about it awhile in the house, he took him out and showed him the posts laying in the yard, and Lewis told him he could go to work at them as soon as he was a mind and get the posts ready; he said there was a wagon shed he could work under, and lose no time, a very pleasant place to work under, fronting south; I believe that is pretty much all that passed, as regards the fence, at that time.

Lewis, at one of these interviews on his farm, spoke of some of
 10 his property in Bordentown; he said, if myself or any of the mechanics wanted a lot to put a shop on, he would rent the ground to put a shop on; he mentioned the lot between the engine house and Bartlett's stable; he said he could manage it so as not to interfere with Mr. Bartlett's room; these lots were suitable for building shops on; I know that by experience, I had a shop there once myself, and it was as good a stand as any in the place for my business; he also stated he had lots in West street that he would sell, if any person wanted; they were very nice lots, they are all together, several building lots; I saw nothing out of the way in regard to
 20 his mind in these several interviews I had whilst on the farm—his mind appeared to be perfectly right; he was as strict a man to do business with as I ever dealt with, and as correct a one—I am speaking now of the time he lived on his farm, for two or three years prior to his death); I saw no difference in his manner of dealing from what it was fifteen or sixteen years previous; whilst he lived on the farm I frequently saw him in Bordentown, walking about in pleasant weather; I knew him whilst he was engaged in the lime business, and before he went to the asylum; whilst he lived on the farm, in the conversations we had, his conversation was as regular
 30 as any man—he seemed to know what he talked about; I do not know I heard him say or saw him do any thing which indicated he was not fully in possession of his reason; I would not have hesitated to make a contract or bargain with him at any time whilst he lived on the farm; when I saw him, I should suppose, from his talk, that his ideas were good as regarded the value of property; he always knew me when he met me.

Cross-examined.—In the interview with him at Peter Shreve's, I had no other conversation with him except about the assessment of his property; I had the last year's duplicate of the borough at
 40 that time with me; I think I showed it to him, and told him the amount his property was valued at; I do not remember of his appearing before the commissioners of appeal of the borough two

years ago—whilst I was away he might have done it; the exhibits, one of 28th November, '52, and one of January 1st, '53, bill and receipts, are in my own handwriting (they are not in Lewis'); the whole of bill dated April 1st, 1852, is in my own handwriting, except the words received payment in full, they are in the handwriting of Lewis; the last time I saw Lewis was when I settled the last bill, a short time after the 1st January, 1853; I had no conversation with him after that; the reason I did not see him the next quarter was I heard he was sick, and did not go out; this last quarter's rent fell due on the first of April, 1853; it was some- 10
 where about the time the last quarter's rent became due I heard he was sick; he did not buy my house and lot when I offered it; he did not give any other reason than it would not do to pay that price for it to rent. I don't think I ever saw Lewis any time in his life when I thought he was not capable of transacting business—perhaps you may think strange of that; at the time he was taken away, and supposed to be an insane man, I did not live in the place; I don't know how long it was before he was taken away that I left the place; I don't know what time he was taken away; I moved away in the spring of '40, I think it was; the first time I saw him 20
 after that, to have any business with him, was at Shreve's, when I went to assess him.

Re-examined by counsel for probate.

Question. At the time you made the assessment, when Lewis was at Shreve's, did he state to you the different properties which he owned in Bordentown, without referring to your duplicate. [Objected to.]

Answer. I think I asked him, as I am accustomed to, how many houses and lots he had, or whether the old duplicate was correct; if my memory serves me right, I think I referred to the old book 30
 to know whether the value was right or not, that is, the number of houses and lots were right, and to know whether he was satisfied; I think I left him satisfied with the amount the property stood, if my memory serves me right; I think he examined the assessment of the previous year—I think he looked over it—I can't say certain.

I paid the quarter's rent of the house that fell due on the 1st April, '53, and the next quarter to Samuel Pancoast, one of the executors; I made these payments after the death of Lewis; it was after the first of July, '53, I paid the two quarters together— 40
 I don't remember the time.

Cross-examined again.—When I asked him the number of the

houses and lots at Peter Shreve's, he did not enumerate and name them irrespective of the duplicate—we counted them up; the old duplicate called for so many, and we went over to see if it was correct; the shop I spoke of occupying myself stood right where the Delaware engine house stands now; that shop is moved away; my brother moved it on his father-in-law's lot, after I left it, some years ago.

JOHN OSMOND.

Sworn and subscribed in open court, November 25th, A. D.
10 1854.

GEO. HAYWOOD.

James Gaskill, being duly sworn on part of probate, says—I knew Lewis W. Pancoast; I knew him eighteen or twenty years previous to his death; I knew him when he burnt lime at Bordentown—I worked for him; I recollect of one accident happening to him—he fell in the lime kiln once; I worked for him at the time he fell in the lime kiln—I was loading limestone at the wharf; he burnt his leg some down here—his right leg; I saw the burns; they took him in the office, and put him on a settee; after a little
20 while, they took him home at his own house; I saw him afterwards at his house on Saturday night; he was confined to his house, I suppose for three or four weeks; Doctor Cook attended him; I should suppose this occurred about fifteen or sixteen years ago; John Jones was there with me, there was several around there; I don't recollect of any other person getting burnt there at the time; I now live in Bordentown; my age is forty-five. I have seen Lewis W. Pancoast when he lived on his farm—I have seen him, I suppose, a half dozen times.

Cross-examined.—I don't know how Lewis come to fall in the
30 kiln; I did not see him whilst he was in the kiln; he was down into the office when I first saw him laying on the settee; Henry Luke and John Jones were in the office with him; there were several around there; I don't recollect who was there; there were several scars around his legs; I don't recollect how many there were, but several scars on his right leg; I don't recollect whether there was two or three, or how many; there was not any thing done in the office for those burns that I saw; I don't recollect how high the burns were up on his legs; they were down on the calf of his leg, I think; he did not say any thing before me about being
40 burnt any where else only on his legs; there was not a physician

sent for him whilst I saw him there; Doctor Cook, or any other physician, did not come there before he was removed to his house; he was taken to his house on an old settee—by hand; I think John Jones was one that carried him—I don't know who else; I think there were four persons that carried him; he lived in Jonathan Durell's house at the time; I saw Doctor Cook there about an hour or so after the accident; I was up at his house, but not in it at the time; I do not know on what day of the week it occurred; I don't remember how many days it was before the Saturday that I was paid that I was up there; Mr. Pancoast paid me on that day; he 10
 was laying on the bed; he was able to attend to business, any more than his leg being burnt; I can't tell you whether he was undressed or not; he might have had his clothes on; he was lying under the bed covering—he had no coat on; I don't know that he had a vest on; when he paid me, there was no one else there; I don't remember how much he paid me; the money he paid me with he took from a little stand by the bed side; I did not give him a receipt for it; I did not look at his legs on that occasion; he was confined to the house something like three or four weeks; at the 20
 end of three or four weeks, he resumed his business, as he had done; I never saw his leg only once; I did not see it after I saw it at the lime kiln; his wife was living at that time; it was some time in the summer that this accident occurred; I don't recollect whether it was fall or spring—was not very cold weather; at the time this occurred, the kiln was burning all the time—it was not burnt off at all, it was burning all the time; at the time this occurred, there was lime being drawn out; there was not any teams or wagons there at the time this occurred; I don't know the cause of his falling in; I was not there, and did not see him fall in; I examined the kiln every day; I don't know that I examined it that 30
 day; I was up there every day whilst I worked for him; there was no arch to it, it was a perpetual kiln; I can't tell how long Lewis was in the kiln; I don't know whether one or both of his legs went into the kiln; I suppose he fell about two or three feet into the kiln, I did not measure it; I don't know who took him out; I did not see where he laid in the kiln; I could not see the lime the time it was taken out underneath; stone coal laid on the top, there was no wood about it; I suppose it was about eleven o'clock in the day, may-be a little before; I was at work down on the wharf, may-be three hundred yards off, may-be not so far as 40
 that; my attention was attracted towards the kiln; some one from the kiln halloed, and I run up to see what was the matter; I am

sure it was before dinner the accident occurred ; I think it did ; I think I had not had my dinner ; it did not create much alarm in the neighborhood, there was no houses around there ; he might have remained in the office five or ten minutes before he was taken to the house ; during the time he remained there, there was not any persons come there, except what were connected with the works ; they could have taken him home the back way ; I do not know which way they did take him ; there was no necessity of their taking him through Prince street ; they could have taken him
 10 across the lots ; I saw them start with him from the kiln ; they came on top of the hill ; I don't know which way they went after that, whether they came across or went around ; I don't know whether this accident was generally known about the town—I did not run about to see ; I never said any thing about this occurrence ; I was down at the wharf loading limestone when they halloood ; I don't know who it was that halloood out ; the man halloood that he was in the kiln ; after this man halloood I went up as quick as I got my cart loaded—in about five or ten minutes, I suppose ; when I got
 20 there, they had taken him out ; there was no other person there at that time when I was loading but myself—there had been a man there with me that had stepped over in the woods to do his business ; I don't know whether it was Henry Luke or John Jones a driving the cart, there was so many different ones ; I don't know which one it was driving the cart, or whether it was either one of them ; from the time I first heard the man call out until I saw Lewis in the office, I do not think it could have been over ten or fifteen minutes ; the stone coal was something near two or three feet from the top of the kiln that day after Lewis was burnt ; there had not been any thing thrown, after Lewis was burned, on there ;
 30 as nigh as I can tell it was two or three feet from the top ; I can't tell whether both legs were burnt or not, I did not see but one ; I can't tell you whether he had negroes at work for him or not ; his family was not informed of the accident that happened to Lewis that day before he was taken to his house, that I know of ; his family did not come down to the kiln before he went up ; I did not see his brother Samuel there.

His
 JAMES X GASKILL.
 mark.

40 Sworn and subscribed in open court, December 5th, A. D.
 1854.

GEO. HAYWOOD.

William Pipplar, being duly sworn on part of probate, says—I live near Recklesstown; I am a miller; I live at the mills I purchased of Thomas English; I was acquainted with Lewis W. Pancoast; I became acquainted with him between three and four years ago; I knew him when he lived on his farm near Bordentown; I had business with him whilst he lived on the farm; he engaged some feed and flour of me sometimes.

Exhibit blank on part of the probate, a bill and receipt, April 2d, 1852, being shown to witness, the amount \$18.90—That is a bill that I furnished Pancoast, and gave him a receipt; he wrote 10 the receipt himself, and I signed it.

Exhibit blank on the part of the probate, being a bill and receipt, dated June 27th, 1852, for \$15.90—That is a bill that I furnished Mr. Pancoast and the receipt I gave him.

Exhibit blank on part of probate, bill and receipt (the receipt is in his handwriting), dated June 27th, 1852, for \$19.27½, being shown witness—That is a bill that I furnished Mr. Pancoast, the receipt in Lewis' handwriting and the bill in witness'.

Exhibit blank on part of the probate, bill and receipt, dated June 27th, 1852, for \$56.32, being shown witness—This bill in- 20 cludes the two last bills and another one; the receipt is in Lewis' handwriting; they all say received payment in full.

During the latter part of his life, he raised grain himself, and did not buy much of me; I did not buy any grain of him; I did not furnish him with any feed a short time before his death; Lewis made the bargain with me himself for the grain and feed I furnished him; he understood what he was doing; he paid me these bills himself. Sometimes when I come there he talked with me a few words; he talked about his stock and grain, and one thing and another; his conversation was as smart as any man that I ever 30 talked with; his actions appeared like a gentleman; his conduct was like that of other men; I would have been willing to have bought his farm of him, if I had wanted one; his mind was good enough for what I had to do with him; I did not notice any difference in his conversation or actions from other men. It is likely I saw Lewis forty or fifty times whilst he lived on the farm; I knew him when I took things to him; I often went to Bordentown, and he lived right on the road, and he would stop and talk with me a few minutes; I have not seen him any where else only on the road and at his house; as I passed by, he was often out in the road and look- 40 ing around his place, and he would stop me, and we had a few minutes conversation together; in all the business or conversation

I had with Lewis W. Pancoast, I did not see any thing about him that indicated a want of reason; his manner of transacting business was very smart, I thought; he understood the business that he transacted with me; I am not much of a judge of them things; he done his business with me properly; I have been carrying on the mills at Recklesstown since 1838; during that time I have transacted a good deal of business, and with a great many people; when he settled with me, and paid me these bills, he paid me mostly in Bordentown bank bills; he paid me always in money
 10 himself; I saw him some time in April or May in 1853, before he died; I had some talk with him about that time; I did not notice any difference in him at that time from what he had been before; his conversation at that time was rational and connected.

And being cross-examined.—I did not know Lewis before he lived on his farm—I had no dealings with him; the first bargain I made with Lewis about this grain and feed was at his house; I came by, and I expect some of his folks told him that I was a miller, and could supply him with flour; I had no fixed and settled price for my grain and feed, their prices depended altogether with
 20 the individuals that I made a bargain with for them; I sold my grain and feed to people all at one price, except they paid cash, and then sometimes I would sell for a few cents less; when I bargained with him, he would all the time want to get it a little cheaper; I did not sell to him cheaper than I did to any one else; I can't tell how many times I went there for the purpose of furnishing him with grain and feed; the bills show how many times I furnished him with the grain and feed; when I settled with him, I furnished him with these three bills; there may have been some
 30 more; he had a little book, and I think there are some receipts in that; he would talk about improving his place, and that is all besides his stock and grain; he never mentioned to me, in the course of our conversation, where he had lived before he lived on his farm; he never made any complaints to me about his health; he would stop me on those occasions, and converse with me when I saw him; sometimes he would be walking along towards Bordentown, and as I came along, he would get in the wagon and ride along with me; on those occasions when he would stop me, he would say what a nice nice place he had, and how he was agoing to improve his farm; I forget how often he told me this; he might have told me five
 40 or six times; if Lewis wanted to buy any thing he was very close; he did not exhibit smartness in any other respect; my son made out the bills which I presented Mr. Pancoast; the only part of these

bills in Pancoast's handwriting are the receipts; I do not write English very much—this is the reason why I did not write the receipts to the bills; I am a German; I have lived in this country nineteen years and eight months; I can't tell exactly when I saw Lewis last; I saw him may-be at that time (about the first of May); I can't say positively I saw him in April the last time, in 1852; I cannot fix any time after that I saw him positively; I do not recollect what the subject of our conversation was the last time I saw him; Lewis never came to my mill; I live four miles off of Lewis; I never recollect of seeing him any where else, except at his farm 10 or at Bordertown.

Re-examined on part of probate.—The words bran and Indian meal, on the bill of March 26th, '52, are in Lewis' handwriting—he put it there when he paid me; it was not on the bill when I took it there; he put it on the bill—I saw him do it; he had that bran and Indian meal of me, and I had not it on my bill; Lewis showed me how it ought to have been done, and he done it himself; the time he paid me was in June 27th, 1852—I saw him then; I saw him frequently after he had settled these bills when I went by there; Lewis died in 1853. I was mistaken in saying that the 20 last time I saw him was in April '52—it was in April '53; it was along in the spring of the year that he died that I saw him last; Lewis himself ordered these different articles of grain and flour, &c.

And being cross-examined again.—Before Lewis wrote the words bran and Indian meal on this bill, I reminded him of having these articles; if I could have written English, I would have put these things on the bill myself; he owed me a small bill when he died, and Samuel Pancoast paid that to me; Samuel paid the bill to me a year ago; I do not know the day Lewis died—I think it was in June; I believe the circumstance that fixed it in my mind the last 30 time I saw Lewis was, that I asked him to settle that little bill, and he said he had no money about him, but would settle soon; this was at his house; I was in his house; it might have been a week or two before or after April, 1853.

And being examined in chief again.—*Exhibit* blank being shown witness—The two first items on that bill is the little bill that I had against him, and to which I have just referred, dated September, 1852; I delivered the shorts, being the last item of the bill, myself; Lewis was living then, only sick, I did not see him at that time; he died shortly after that. 40

And being cross-examined again.—I asked him for the two first items in the bill once or twice, and he said his money come due in

the spring, and he would pay all up; the bill is in the handwriting of my son, copied from my book; I can't tell whether the date of the last item in the bill in the book is in May or June; I have not looked at my book; I asked him once for them two little items, and he told me to bring him the shorts, and he would settle it all together.

WILLIAM PIPPLAR.

Sworn and subscribed, December 5th, A. D. 1854, in open court.

GEO. HAYWOOD.

- 10 *Thomas Fenton*, on the part of the probate, being duly sworn, says—I was acquainted with Lewis W. Pancoast; I lived on the farm with him near Bordentown; I went to live with him November 10th, 1851; I stayed with him as long as he lived; he died about the first of June, 1853; I was hired there to farm by Lewis Pancoast; I and my family resided with him in the house; Lewis gave directions in relation to the farming operations; Lewis purchased the manures for the farm; he bought the stock; Lewis sold the produce; Lewis sold the stock when we had it fit for sale; Mr. Pancoast appeared to take an interest in his farming operations; 20 he used to be out occasionally on the place; he did appear to understand the business of farming; I am acquainted with Mr. Pancoast's handwriting; I am acquainted with his account book—I have looked at it.

Exhibit blank, being the day book of Lewis W. Pancoast, being shown witness—That is Mr. Lewis Pancoast's day book, I believe; I have seen it, and seen him write in it; the last charge in Lewis' handwriting goes down to a charge against Edmund Bartlett, dated April 22d, 1853.

- 30 *Exhibit* blank, being the rent book of Lewis W. Pancoast, being shown to witness—I know that book, it is Lewis Pancoast's rent book—it is in his handwriting; that is Lewis Pancoast's handwriting in the rent book; that account against me is in his handwriting—nobody else wrote in it but himself.

Exhibit blank, being a list of articles brought on farm by Thomas Fenton, November 10th, 1851, and receipt, dated April 3d, 1852, from Thomas Fenton to L. W. Pancoast, for \$29.83—This bill and receipt are in Lewis W. Pancoast's handwriting; the money in the receipt was paid to me the time it bears date.

- 40 *Exhibit* blank on part of probate, being a receipt, dated February 15th, 1853, from John Johnson to L. W. Pancoast, for \$2.62—

That receipt is in Lewis' handwriting, and I signed my name as a witness to it by the request of Lewis W. Pancoast. [Johnson made his mark.]

Exhibit blank, being a receipt from Thomas Fenton to L. W. Pancoast, dated February 26th, 1853, for \$200, being shown witness—The body of that receipt is Lewis W. Pancoast's handwriting, and my signature to it; he sold Sam Hance some corn, and took the note in my name, and gave it to me as so much cash.

I believe Lewis had considerable property in Bordentown; he has spoken to me about the value of that property and its condition; Lewis collected the rents of that property himself—I don't know that he collected all of the rents himself; he had William Bunting, the constable, collecting some of them; he knew when his rents came due. Lewis bought the rails and posts for fences, also for the farm, from Abraham Anderson. Lewis appeared to be smart enough in doing business, I always thought; I believe Lewis was acquainted with the value of the several properties that he owned; Mr. Pancoast's memory was very good, I believe, whilst he lived on the farm; he has told me about being burnt in the lime kiln, and showed me his legs; I saw some scars on one of his legs —I think it was his right leg; I think they were down somewhere about the calf, I don't know exactly where; there was a kind of white scar. Lewis was as much on terms of intimacy with his family as he was with other folks; he used to want his brother Samuel to come and live with him; I have heard Lewis complain of Samuel not coming to see him oftener, and his sister likewise. I should think Mr. Pancoast was as capable of doing business as other men whilst he lived on the farm. Day book being shown to witness—I have looked through it some; so far as I know, I think those charges are correct; Lewis Pancoast paid the hands that worked on the farm their wages; Lewis kept the account of the hands' work. There was considerable hay sold off the farm whilst he was living there; Lewis sold the hay. 10 20 30

Question. In all his business transactions whilst you lived with him, did he act understandingly?

Answer. I think he did.

The bargains that Lewis made were reasonable, and as a sane man would make; I never knew Lewis to make a foolish bargain during the time I lived with him; I would myself have been willing to make a contract with him for property, or any thing else, during the time I lived with him; he liked to have his own way—he was pretty self-willed and determined. There were improvements made

on the farm during Lewis' lifetime, manuring, fencing, and the like of that, fixing his meadows, &c.; Lewis directed these improvements to be made; Lewis went out once in awhile to see this work, as it was going on, and gave directions about it; those directions were generally followed; he would frequently talk with me about the work and improvements that were going on about the farm; he talked as rational and as smart as any man ever I talked with; I do not know what could have occasioned these scars, unless it was a burn.

- 10 *Exhibit* blank, being a map of the United States, being shown to witness—That was Lewis Pancoast's map—it hung in the front sitting room; I don't think there was any other map of the United States hanging in the house. The map is in the same condition as it was when it hung in the house.

Examination in chief resumed.—Mr. Pancoast spent his evenings at home with the family; he read the newspapers to me in the evenings; he spoke to me about the news of the day and the contents of the paper; he had books there, and used to read them to me and my family; Lewis paid me the last money before his death,
20 April 2d, 1853, ten dollars; Lewis never subscribed for no paper at all, I used to get them at the store of Bryants, where he dealt; we did not get them regularly; when I was at the store I used to get them.

Cross-examined.—I lived by Peter Shreve's mill before I hired with Lewis; Lewis spoke to me first about hiring with him; Lewis resided at Peter Shreve's at that time; I made a bargain with him the first time he spoke to me; I went to him for the purpose of hiring with him; no person whatever, up to that time, had spoken to me upon the subject; I believe he had purchased that farm at this
30 time; I saw him but once, and then made the contract; I do not know whether there was any person present at the time I made the contract with him or not; Peter Shreve might have been present, or he might not, he was about the house—I don't know that any other person spoke to me about living with him; I don't know that Samuel Pancoast and I spoke together about the hiring part; I do not know that there was any thing said between Samuel and me about it—if there was, it was afterwards.

Samuel never sent word to me that Lewis wanted to hire me; all the contract that was made between Lewis and me was made
40 on the first occasion that I went down to see him—and the contract was then closed; I think this was about a week before I moved on the farm; I still reside upon the farm, and have resided there ever

since Lewis' death; the contract that I made with Lewis was not in writing; there was no certain time fixed that I hired with Lewis; we generally had our talk together about the farming work; I don't know whether I always followed those directions or not—it is most likely that I did; Lewis purchased lime and manure for the farm; he got some lime of Frank Shreve and some of David Levens; he got the manure of Bartlett; I don't recollect whether he got manure of any body else or not; Bartlett was a tenant of his tavern property at that time; he bought stock of William Hance and Richard Hance; he bought a horse of Joseph Pierce, 10 and bought one cow of Steve Coverly; he did not buy this stock when he first went there; he bought some the next fall; he had a horse and a hog when he first moved on the farm the first fall—this was all the stock he had the first winter he lived there, I believe. I recollect he had one cow; he bought the second horse some time during that winter of Joseph Pierce; I believe he purchased some stock of Samuel Thompson during that winter, at his vendue; I believe I was not there; the stock he purchased of Samuel Thompson consisted of farming utensils and one horse—there was some household goods, I believe; I believe Lewis Pan- 20 coast, in all cases, sold the produce of that farm; he continued to do so during the whole period of his life, I believe; this produce was principally hay and corn; I never sold any produce of that farm; Samuel did not sell any that I know of; Lewis sold his hay to Bartlett and some to Lewis Mesler; there might have been others I don't recollect, Alfred Thompson for one; he sold his calves to Foulks and Warner—Foulks I guess it was then—all he had then I believe; I don't think there was any other stock sold; when his men were at work on the farm, he would be sometimes there two or three times in the course of the day; it might not be the case 30 every day; I can't tell now; he gave directions to the working men what he wanted them to do; I did not make a practice of it.

Exhibit blank on part of caveat, being a list of articles purchased of Thomas Fenton by Lewis W. Pancoast—I think the money was paid to me on the 28th May, 1852; Lewis owed me the money; that was the reason he took the note of Samuel Hance in my name; he done it at my suggestion—I was present when it was done; I believe I have got the note in my pocket—if you want to see it; the note was given February 1st, 1853, made payable one year 40 after date; it has been paid, by Samuel Hance, the first of last April—it bears interest. I can't tell who collected the rents of Lewis W. Pancoast on the 1st of April, 1853—I expected he did

—he always collected his rents ; I don't know any thing about who collected his rents ; I could not swear to it ; he said he had fell in the lime kiln, and was burnt, that is all I know about that ; he did not say how he came to fall in ; I don't recollect when he said it occurred now ; I don't recollect what he said about the state the kiln was in when he fell in ; I don't recollect how far he said he fell in ; I believe he did not state to me who took him out ; he did not say any one else fell in at the same time ; I don't know, he might have spoken about it two or three times may-be ; I don't know that I have ever heard him speak to any body else about it ; I think he showed me his leg once ; I don't recollect whether it was more or not ; the scars that I spoke of yesterday were easy to be seen.

During the time that Lewis resided on his farm, his brother Samuel was not often out there ; I don't know that Samuel was out there more during the last year that he lived there than the first ; his sister was out there three or four times, may-be, during the time he lived on the farm ; I don't recollect whether she was there the first year in particular or not, she might have been or not ; I can't tell whether I saw her there the first year or not ; I can't tell who I saw there ; I can't recollect whether I saw her there during his last illness or not ; she was there during his last sickness, may-be three or four days before he died, may-be not so long ; I don't recollect of seeing her there before his last sickness ; I think Lewis was not sensible before his last illness whilst she was there ; he was insensible two or three days previous to his death.

I believe I have heard him speak of being in the asylum ; he called it the asylum, I believe—he called it the bastile, I believe ; he said he was treated bad ; I don't know in what way he was treated bad ; he did not describe it in particular, I believe ; he spoke of living at Satterthwaite's ; he did not speak very friendly towards them ; I don't know what he complained of ; he never spoke unfriendly of his brother and sister, more than any body else I believe ; it is more than I can tell what he said about his brother and sister ; I don't recollect that he said they had used him badly ; he might get a little out of humor with any body—that is what I mean about his not getting out of humor about brother and sister any more than any body else ; he had no personal dispute with Emily or Samuel whilst he lived on the farm ; I don't know that I have ever heard him speak disrespectfully of his father or any other member of his family ; we might have differed about

the work on the farm some little ; I do not know whether we ever differed about the work on the farm—we may have differed a little ; I did talk of leaving the farm one time ; I don't know that I had made up my mind fairly to leave ; I don't know that there was any particular cause why I wanted to leave there ; we had a few words, I believe—I don't recollect what it was about now ; I did not talk of leaving more than once whilst I was there ; I can't tell how that difference was reconciled then ; he told me, at the holidays, that he wished me to stay on, and I stayed with him then ; I don't know whether Samuel knew of that difficulty or not ; I don't 10 recollect of talking with Samuel about it or not ; I can't recollect the cause that gave rise to that difficulty ; I don't know that Lewis became dissatisfied with me ; I did not become much dissatisfied with him ; I felt no way dissatisfied with him ; I don't recollect now what this difficulty was about ; it was in either '52 or '53, I forget which.

The directions about the improvements on the farm were principally followed by me ; I don't know now in what respects they were not followed ; we might have differed a little in our ways as regards to farming ; he hired me to do his farming, and I had the 20 general direction of his farm (I had the work to do) ; he was not sick over three days previous to his death any way ; he was insensible from the beginning of his sickness ; I can't tell what was the matter with him ; he might have drunk some whilst he lived on the farm ; I never saw him drink a great deal ; I could not judge whether he was under the influence of drink or not—he might have been ; I never saw him stagger ; he had liquor in the house at times—brandy I guess, no other kind ; I have got liquor for him ; I don't know how often—I cannot tell ; I can't tell any thing about it ; it might have been a dozen times and might not ; I can't tell 30 what quantity at a time ; I don't recollect how frequently during the week I have got it at William H. Bryant's, and I have got it at Nichols' ; I don't know that I ever got it at any where else ; I don't know that any one else ever got it for him ; Thompson Warner might have got it for him ; I know he got it for him once—that is the only time that I could swear to ; I don't know any one else that got liquor for him, except Thompson Warner and myself ; I did not see any one else get it or bring it there ; I did not see it after it was brought there ; it is more than I can tell how much liquor he drank in a day ; I guess it was the last winter he lived on 40 the place that he commenced drinking liquor ; I think it was in the fore part of the winter ; he went to Bordentown once in awhile

after he commenced drinking liquor—I can't tell how often in the course of a week; he might have went as far from home as Mr. Carlick's—he was the next door neighbor; he did not drink all the time from when he was taken sick; he would stop drinking several days, a week perhaps; he would drink a little when he wanted it; I suppose, after he commenced drinking, he might have been a little cross may-be; I don't know that it had any other effect on him but to make him cross; he was not half as troublesome about the house as I have seen men; he was troublesome by being a little
 10 cross and crabbed; it is likely he might have laid in the bed some of the time during the day—I was not in the house to see; he did not disturb us during the night; during the time he was drinking, I went over to Anthony Thorn's, and requested him to come over and talk with him—that was in March, '53, I think; his brother Samuel had spoken to me about going over there; the reason for my going over to Mr. Thorn's, he requested me to tell him to come and talk with him about his drinking; Mr. Thorn came, I believe Mr. Thorn talked with him; I was not in the room; I never knew Lewis to do his business in bed or any where about the house; I
 20 never saw any thing of that kind myself.

Question. Did any members of your family complain to you of his having done so? [Objected to.]

Answer. I believe I heard it mentioned once, but I cannot swear whether it was so or not.

I don't recollect what time it was—it must have been some time in the latter part of the time he lived; I can't tell whether he used the sheets or some part of the bed clothes to wipe himself with.

Question. Did not you hear a complaint of this kind mentioned in your family? [Objected to.]

30 *Answer.* I don't know that I heard a complaint of that kind; I don't recollect telling Anthony Thorn, at one time, that he done his business in bed, and wiped himself with the sheets; I don't say that I did not tell him; I don't recollect talking with Mr. Thorn on the subject at all; I don't recollect of saying to Anthony Thorn that Lewis was so nasty and troublesome that I could not live with him.

I don't recollect telling any one how much liquor he drank; I don't recollect of telling Anthony Thorn he drank about a quart a day; I might have told him, but I don't recollect; I don't recollect
 40 that I told Anthony Thorn that I was giving him as much liquor as he could swallow or take; I don't recollect telling Anthony Thorn that Samuel told me to give him as much liquor as he could take;

I won't say positive nothing about it; I don't know that I told Anthony Thorn that I paid no attention to Lewis, and done things on the farm without regard to him; I would not be positive about one way or the other.

Question. If you ever have said so would you not remember it?

Answer. I don't know, I might remember it or I might not.

Samuel never gave me any directions about giving Lewis liquor, that I remember. Nancy Luke nursed Lewis in his last illness; she was there some two or three months, I suppose; I don't know whether she came there particularly to nurse him or not; I don't know what any body went after her; she came there on a visit in the first place, and he told her that he would give her a home. Samuel and I did not often have conversations about the farm, or the manner in which it was to be conducted; during the time he lived on the farm, John Warner and James Mitchell worked there; John S. Warner worked there steadily, he was the only steady working man that worked there; there were others worked there—who they were I don't recollect now. I don't recollect how about whether Lewis read the papers to me and my family until his death; he read when he felt like it; he had a number of books there, one he called the voyage around the world. I don't know that I told Anthony Thorn that I hated to come to the table where Lewis was eating; he generally came to the table with us; I won't say positively any thing about it. I am thirty-six or thirty-seven; I don't know which—I think thirty-seven next May. I was about home more or less during the month of April, 1853, before Lewis died.

THOMAS FENTON.

Sworn and subscribed, December 6th, A. D. 1854, in open court.

GEO. HAYWOOD.

Hudson S. Ellis, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed, says—I live at Crosswicks; I think I was well acquainted with Lewis W. Pancoast before his decease; I should think I was acquainted with him five or six years; Lewis lived on the farm he bought during the last two or three years of his life; he lived on the farm he bought of Samuel Thompson; I saw him frequently whilst he lived on the farm, at his residence, along in front of his residence, and in Bordentown; I had some acquaintance with him; when he was 40

out in front, I would stop and talk with him about the general topics of the day, his property, money matters, &c.; his conversation was rather edifying than otherwise; he was an interesting man to talk with; when I talked with him, I think he appeared to be acquainted with the value of property; the last time I recollect having any conversation with him was a few weeks before he died; it was between his residence and Bordentown, a few weeks before he died; he asked me what I thought such and such pieces of property of his were worth; I think he named the property; I think 10 he spoke of the lime kiln and tavern property; I don't recollect my answer, but he estimated them higher than I did; he spoke to me about getting a carriage and horse at that time; I think he said he wanted a carriage and horse in a little while and a new barn, and wanted things a little more comfortable; I don't recollect what further was said; he did not authorize me to get them at that time; he spoke about getting the frame for his barn; I don't know that he spoke about getting one before the other. I could not tell how often I saw him whilst on the farm, but frequently; I think I had upon these several occasions an opportunity of observing his capacity for business; I think his capacity for doing business was 20 very good at the time I speak of; his conversation on these occasions was connected and very good, I think; his judgment about business on these occasions, I think, was good; I would have been willing to have made a business contract with him at these times; I had business often that called me in Bordentown, was the reason that I saw him; a number of times he has walked up the road a piece to talk with me, and then he would walk back, and I would drive on; I was in the habit of seeing Lewis whilst he was at Mr. Satterthwaite's occasionally; I have had conversation with him on 30 these occasions whilst he was at Satterthwaite's; the last year that I knew him at Satterthwaite's I thought he was sane; when I first knew him, my attention was not particularly called to him; I took him for a lunatic because he was there as such; there was a talk of his sanity, and my attention was more particularly called to him during the latter part of the time he was at Satterthwaite's; I don't know that I did hear him talk incoherently or wildly during the time he lived on the farm; during all the time I saw him or knew him, whilst he lived on the farm, I never heard him say or saw him do any thing that was caused by insanity; I don't know any thing 40 to the contrary but what his actions were like that of a sane man whilst he lived on the farm; he understood the subjects with which he conversed with me—he was a remarkably intelligent man.

I think his memory was very good indeed, judging from the occurrences he related; he always knew me when he met me; he must have felt interested in the matters of which he talked, or he would not have introduced them; his conversation was ordinary, as men usually talked.

I am a real estate agent; I was present at the court of appeals when Lewis W. Pancoast made a complaint about his tax—it was at Bordentown, before the commissioners of appeal; I do not recollect what year it was in; it was several years ago, whilst he lived on the farm; he appeared before the commissioners in person; I don't think I can recollect what he said and did; he applied for a reduction of his tax, and succeeded. 10

Being cross-examined by caveators—I first became acquainted with Lewis W. Pancoast at Satterthwaite's; I don't know what year it was; I don't know that I can tell how long he resided there before I became acquainted with him; I can't tell how many years it was before he removed on his farm that I knew him; I can't tell how many times I saw him at Satterthwaite's; I can't tell how many times I saw him there; I had some conversation with him when I went there sometimes, and sometimes I had not; sometimes I sat in the same room, sometimes not; he was under some restraint, as far as I could discover; he had his limits in his walking out—I discovered it by finding him at those places occasionally, and by his own admissions; there were no other reasons for judging he was under restraint, except his own admissions; he admitted he was not allowed to go beyond those bounds—he said that; he said that those bounds extended to the cross-roads one way, and the forks the other; I have met him at both places—not very often; he was generally alone, but may have been attended with a child playing with him; Mr. Satterthwaite had a child not very young 20 at that time, but growing up; the child that I saw with him on these occasions was generally Mr. Satterthwaite's son Frank; he was about twelve or fourteen years of age, as near as I could guess; I don't know that that child could have prevented him from exceeding those limits or boundaries; Lewis was riding occasionally with the Satterthwaite family; he has been with them to my own house and Crosswicks; I believe he went to the sea shore with the family on one occasion—I only know it by hearsay; I never saw him under any other restraint than what I have spoken of.

I have often talked with him about being under restraint; this conversation was the latter part of the time he was there; I think 40 it was during the last year of his stay at Satterthwaite's that he

was restored to his property; I can't tell how many weeks or months it was before he left Satterthwaite's; when I met him on the road, there was nothing to prevent him from going beyond those limits, except his lameness, as I could see; he was lame, and walked with a cane; I don't know how far his legs would carry him; he said he was watched; on those occasions, when I passed Satterthwaite's, I could not discover any one watching him; when I visited Satterthwaite's I could not get to talk with him as I wanted to—the family would not let me be alone with him often;

10 where ever I was, either inside or outside of the house, I had a very poor opportunity to talk with him; I would be interrupted by their presence; he had a disposition to talk with me about the restoration of his property, and finally I got interested in it; he generally introduced the subject of conversation; I don't know that the family would know upon what subjects we talked about before they interrupted us; I went there to visit the Satterthwaite family; I don't know whether the interruption on their part was accidental or designed, or whether it was for the purpose of rendering themselves agreeable to me as a visitor; on these occasions, when I

20 visited the family, I would partake of meals in their house; Lewis would eat with us; Lewis appeared to be treated in every other respect as a member of the family; I never did see the family on these occasions manifest any unkindness towards him; he complained of being under restraint and being watched; his complaint to me was that he could not enjoy his property; I believe I advised him to transgress the bounds; Bordentown was where he wanted to get to, and I advised him to go there; I can't tell how often I gave him this advice; when I gave him this advice, he said he was watched; he said a great deal more, but I can't recollect;

30 it was during the latter part of the time he was at Satterthwaite's that I gave him this advice; it was the last year, and during the latter part of the time.

Cross-examination continued.—I did not visit him whilst he lived on the farm any more than accidental meetings; I think I had no business transactions with him during that time; I never was present when he had any business transactions with any other person, except the time at Bordentown about the tax; I do not recollect upon what grounds he asked for a reduction of his tax; during the time he was on the farm, when ever I met him, I took him to be a

40 man that was able to transact business; we talked about the ordinary business, money, property, investments, and the like of that; being intimate with the family of Mr. Satterthwaite, I would not

have liked to take him away with me in the carriage when he talked to me of being under restraint; I did not think it would be treating the family well; I did not want to incur their displeasure; I knew he was there as a lunatic; I concluded to let him remain there rather than incur their displeasure; I never applied to the Satterthwaites to have him discharged.

Being re-examined on part of probate.—I knew that Mr. Satterthwaite was his legal guardian at the time.

HUDSON S. ELLIS.

Affirmed, January 10th, A. D. 1855, in open court.

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GEO. HAYWOOD.

James N. Lawrence, being duly sworn, says—I reside in the borough of Bordentown; I knew Lewis W. Pancoast, deceased; I knew him, as many others in Bordentown, about 1832; my actual acquaintance with him commenced in 1851; I called on him for information in regard to the title of Dr. Cook's property; I had not purchased the property at that time; I was about purchasing it; I asked him if he knew any thing about the title; he answered that he did, and gave a general description of it, and the various conveyances; he stated that a large portion of it had been his grand- 20 father's; he named over some other persons that different portions of it had come from; I found the information he gave me to be correct, and I obtained the papers after the purchase.

The next interview we had was the day I bought the Cook property, some few weeks afterwards; that day he stated he had some desire to buy the Cook property, but Samuel persuaded him not to; he also stated he was bartering with Samuel Thompson for his farm; he told me, towards evening of the same day, he had purchased it; Samuel Thompson told me of the same facts within a few minutes of the same time; I don't recollect of any thing else 30 that passed minutely; I moved on the property that I purchased of Cook on the 1st April, 1852; Lewis W. Pancoast lived on the farm he purchased of Mr. Thompson at the time; our farms were in the neighborhood of a mile apart on the same road; after I moved on my farm, I saw him every few days; I became quite intimate with him; I did often converse with him; I have been at his house; him and myself were called upon to appraise Barton Dolby's estate; I think it was in July, '52, or thereabouts; Mr. Dolby lived at what was usually called Thorn's pottery; it was half way between mine and Lewis' residences; we appraised the 40

furniture and stock on hand in the pottery; we appraised ware burned and unburned; in appraising the ware that was burned, he remarked, that there would be no difficulty in getting the price; he said it was worth in the pottery a discount from merchant's prices of twenty per cent.; the unburnt ware he called on Mr. Dolby, the father of the deceased, who was administrator, and he gave us the information about the value of it; as we knew nothing about the business, we wanted some criterion to go by; the clay, tools, and other materials, we had also to consult Mr. Dolby about; when we were through with our business, we signed the appraisalment together; I think Mr. Hutchinson acted as clerk—he was there at any rate.

The latter part of the next February, '53, I had an interview with him, along the road opposite to my house; Lewis Pancoast called to me to come to the road, and asked me if I had sold my corn, and for what price; he laughed at me, and said he had sold for one cent more a bushel; I answered his question, and told him the price for which I sold; he remarked at the time, may-be there was a difference in the payments; I stated to him that mine was cash; his he sold on time with interest, he told me that; he stated that Tom, his farmer, was to take the note in consideration of his yearly services; he stated he had sold his corn to Samuel Hance; I don't recollect of any thing else taking place at that time.

I was at his house some three weeks after this interview; he was in his sitting room at that time, sitting by the stove; nothing took place there more than usual conversation about farming; I was there one hour, may-be an hour and a half; he did not say any thing to me about making a will on that occasion; near the first of April, '53, one Sunday morning, I went out to see him again; he then spoke to me about making a will; he said he had made one some time previous to the death of his wife—I cannot recollect when—to please her; he said it did not please him, and he should make another; I asked him why he had not attended to it before; his answer was that Mr. Cannon had considerable unsettled business of his, and many of his papers in his hands; I have no recollection of any thing further being said at that time; that was the last time that I saw him that I recollect of; I have no recollection of conversing with him about any thing else at the time; I should think I was not there over an hour; I think he died the latter part of May, or first of June, '53; I attended the funeral; previous to this interview in February, and after I moved on the Cook farm, I saw him two or three times in the course of a week; on these oc-

casions, I would generally converse with him; on some one of those occasions, I don't know the exact time, a carriage passed us in the road, and he remarked that it was some of his old friends, and stated it was Mr. Satterthwaite's family, and he had lived in the family some time; as far as I was able to discover at that time, his conversation was rational and connected.

So far as I ever could see, his judgment was good about property; I think he told what properties he owned in Bordentown, and spoke of their values; he named the tavern, lime kiln, and, I think, lots; to all appearance, he was a man of sound memory; his business 10 capacity, so far as I ever saw, was good; I don't know that I ever saw him say or do any thing that indicated insanity.

Cross-examined by caveator.—Dr. Cook had owned the farm that I purchased some twenty-six or twenty-seven years; his father, William Cook, had owned it before him; there was one or two small lots which had been got in other ways; the greater part of the land was derived from Dr. Cook's father; I presume the larger portion of this farm had been in the possession of the Cook family over fifty years. I now recollect I was mistaken; the deed to William Cook, for 112 acres, which is the larger portion of it, I think, 20 bears date in 1808 or 9.

I think, as near as I can recollect, the amount of the estate of Dolby was some five or six hundred dollars; I fix the date of the conversation with Lewis about the corn in February, 1853; my wife had made a bill at Wayman's vendue, in my absence, and Mr. Cannon superintended the sales, and Mr. Hutchinson had given his paper for it; the note for Lewis' corn was to be given drawn one year after date.

At the last interview I had with Lewis, the reason I asked him why he had not made a will before, was because he told me that 30 he had made a will, and intended to make another—it was none of my business; I have not stated all that Lewis said when the Satterthwaite's family carriage passed; he said that Mr. Satterthwaite charged him extravagant board, and gouged him otherwise, I think was the word he used; he then referred about being in an asylum in Pennsylvania before he came to Satterthwaite's; he stated, while at the asylum two years previous to his leaving, the president, or some head one, offered to release him if he would give the institution \$1000, and he said his reply was, that he would see them 40 damned first; I think that was about all; I don't think he said any thing further then; I don't recollect the precise time of this conversation in the road—my impression is that it was soon after I

moved into the neighborhood; he pointed out the driver in the carriage as being Mr. Satterthwaite's son—I did not know him; I don't recollect that he made any statement about his personal treatment whilst at Satterthwaite's; I went with a nephew of mine, on Sunday morning, the last time I saw him—my nephew's name is Algernon S. Lawrence; I don't remember that I had heard that Lewis was sick previously.

Being re-examined on part of probate.—I believe it was Elizabeth Arney who made the conveyance of this 112 acres to the
10 Cooks; I believe Lewis' grandfather had formerly owned this property; his name was Israel Wright.

Cross-examined.—Algernon was not in the room when this conversation about making a will passed between us.

JAMES N. LAWRENCE.

Sworn and subscribed in open court, January 10th, 1855.

GEO. HAYWOOD.

John Warren, being sworn, says—I live about a mile and a quarter from Bordentown, in Bordentown township; I knew Lewis W. Pancoast, deceased—I knew him thirty or thirty-five years,
20 slight acquaintance, long ago as that, I expect; I had some dealings with him when he drove on the lime kiln at Bordentown; I lived within about a mile of him when he lived on the Thompson farm; I worked for him after he moved there; I commenced working for him the last of December, '51, very near the last of the month; I was there until some time in November, 1852, off and on; I did not work for him steady; we made fence, helped him plant corn, and helped him through husking, mowing, and gathering grain, and saving stalks; there were other different branches of work I helped do between the times; I did not assist to underdrain
30 the meadow; I saw it before it was done—I did not help do it; whilst I was there at work for Lewis I ate with the family—we all ate together; sometimes Thomas Fenton, and sometimes Lewis, gave directions about the work of the farm; they generally consulted together about the work on the farm.

Lewis almost always, every day if he was well, came out where we were at work; he generally asked how we came on with work—he allowed we were getting along very well; he certainly understood what we were doing; he manifested an interest in the farming business; I think his ideas were very good about farming, con-
40 sidering the opportunity he had, never being brought up to farm-

ing; Lewis employed me to do the work on the farm; Mr. Lewis Pancoast paid me; I should judge we had in the neighborhood of twenty settlements in relation to our work; he used to pay me every Saturday night, with the exception of one; he used to ask me, every Saturday night, about what time I had made through the course of the week, and I would tell him, and he would say that was right, and he would pay me; I would not give him any receipt; he had a memorandum book; he would set down the number of days; I think it was the number of days, any how the money he paid me; I saw him pretty often after I quit working for him in November, '52; sometimes I would meet him along the road, sometimes I saw him in Bordentown, and at his own house three or four times, not very often; my son worked for him—he went there in the fall of '52. 10

I did not notice any difference in him when I went away from the farm than when I saw him at the lime kiln—about the same, I believe; he had very good judgment; his memory was very good for years past and gone, but the time I was there it was not very good for two or three days at a time, as regards passing events; he was a very competent man for business, I should judge; I never heard him say or do any thing that caused me to think he was insane. 20

Cross-examined.—I did not know him the whole period he carried on the lime business; I had been in the habit of buying a little lime of him for white washing; I had bought three or four hundred bushels of him for two years in succession, and been in the habit of trading wood with him—I think it was in the years 1839 and 1840; I think he discontinued the lime business in 1842 or '43; during some part of the time he carried on the lime business, I understood he was an intemperate man. This large quantity of lime I had bought of him and settled with him for it; when I worked on the farm, sometimes he would give us directions about the work on the farm, and sometimes Thomas Fenton would; there was not much produce raised on the farm when I worked there; he had every thing to buy during the summer I lived there; I guess there was some hay sold off the farm—I guess Mr. Bartlett had some; I don't recollect any other produce being sold; I left after the corn crop was raised; Fenton was a good farmer, he paid close attention to the farming; I have frequently heard Lewis ask if things that had been done two or three days before were done—he had apparently forgotten them. I expect he had known these things had been done; this occurred several times; I don't know that I can give 30 40

instances of his forgetfulness at the present time; he had a habit of repeating one thing over and over; in making these repetitions, he would speak of them as if he never had told them before; he would tell stories, may-be some anecdote, and in a day or two he would tell them over again, as if he had forgotten them; I don't know but what he might have repeated over events that had occurred in his own life, but do not recollect of having heard them; I have heard him speak of being at the asylum; I think he told me he was treated there pretty, or reasonably well; I believe he told me that

10 Alex. Pierson was one, and somebody else was along, that took him to the asylum; I don't recollect his telling me what he done to Alex. Pierson on the way.

I should suppose I saw him before his death a month, may-be six weeks; he used to travel about and go to Bordentown; he continued to do this along before his death, when he was well; he continued sick by spells; I never saw him intoxicated but very little—once I saw him so; I guess it was about the first of April, '53, I saw him intoxicated at his own house—it was in the evening; I don't know what he said at that time, but very little; he talked

20 some, but I can't recollect; I can't tell upon what subjects he talked about—he said nothing unusual or unreasonable.

Question. Did you ever hear Thomas Fenton say that Lewis had become intemperate, or what quantity of liquor he drank before he died? [Objected to by the counsel on the part of the probate, because when under examination Thomas Fenton was not asked if he had any conversation with, or made any statements to John Warner upon this subject.]

Answer. I have in part; I heard him say he become intemperate, and got to drinking, that is all, I believe; he said this was in the

30 spring, perhaps (March) of 1853, two or three months before he died, I should think; I believe he did not say any thing more about him than he would any other man.

I sat with Lewis the night he died—he was not sensible; Nathan Dalby sat up with him also; I remained there until he died—he never spoke afterwards. My son, that worked for Lewis, his name is John T. Warner; he remained working there until Lewis' death, and continued on there until the next spring and remained there.

JOHN WARNER.

Sworn and subscribed in open court, January 10th, A. D. 1855.

GEO. HAYWOOD.

Peter Shreve, being sworn, says—I reside at Bordentown; I was acquainted with Lewis W. Pancoast, deceased; I knew him twenty-five years previous to his death; I knew him from boyhood up; I saw him some four or five times whilst he was at Mr. Satterthwaite's; I had no business with him while there; he made application to me to have him restored to his liberty some three or four times before I undertook it; I undertook it about 6th June, 1851; I got him away from there; he employed Mr. Cannon and had an investigation before the chancellor, who restored him to his liberty. I took him to my house on the 6th June, '51; he remained there 10 until November 10th, same year, boarding with me; he done at my house the same as any other private man would do, going and coming as he pleased, attending to his business, collecting his rents, &c.; he never called upon me to assist him to make out any account; he called upon me once to examine a memorandum or account Satterthwaite kept against him; I suppose you may call it comparing; it was an account that Nathan Satterthwaite had kept, as his guardian; after we had compared the account, he wanted to know if I did not think it a loose sort of account for a business man to keep; the account he made out showed that Satterthwaite owed 20 him some fourteen or fifteen hundred dollars, if my memory serves me right; I took Mr. Pancoast about to view his property and collect his rents; he being lame, I took him around in my wagon, and for no other purpose only on account of his being lame; he made out his bills and collected his rents himself; he boarded with me until he went on his farm; I moved him on the 10th November to his farm. In the first place, he purchased the farm of Samuel Thompson; some days after that, previous to the Thompson sale, Mr. Samuel Pancoast, Lewis W. Pancoast, and myself went there to the premises he bought of Samuel Thompson; when there, Mr. 30 Samuel Thompson saw there were several things about the house, such as matting, window blinds, carpet on the entry, stair carpet, and a variety of things, that he did not care about taking up, and he thought it would be better for both of them if Mr. Pancoast would purchase them, as he would have to replace them; Mr. Pancoast told him he would buy them if they could agree on the prices; Mr. Thompson said he would leave it to Mr. Samuel Pancoast and myself to fix the price on each and every article; we fixed the price; we fixed the price on each article separately, and reported them separately; they consented to all except a few articles; and 40 they fixed the price themselves, that was not according to our views; the parlor carpet and looking glass, mahogany bedstead,

up stairs, and a matress on it, they fixed themselves; we had nothing to do with it; he told us, previous to his starting, that he purchased them, and in fact he had them down on his book; he made a memorandum on this book of all those articles at the time he purchased them; he had them down in a little book.

Exhibit G on the part of the probate, being shown to witness— This is the memorandum that I spoke of; this in his handwriting; he made it himself, and Mr. Thompson took a copy of it at the time, previous to our leaving; Mr. Thompson had a public sale of his personal property after this; I don't remember whether Lewis bought any thing at that sale or not; he asked me to buy some articles for him; the reason he gave for that was that people might run things up on him, and he would instruct me what articles he wanted at the time of their selling them; he authorized Mr. Bartlett to buy for him, and I think Mr. Samuel Pancoast bought some things for him too; the reason he gave for his wanting them to buy for him was, that others would run them up on him, and people would think he would give more than any one else, because they were on the place. Those articles that Mr. Bartlett, Samuel Pancoast, and myself bought were for him, and Mr. Thompson told me he had paid for them some time after the sale—I don't know how long. I had a settlement with Mr. Lewis Pancoast myself.

Exhibit blank on the part of the probate, being a bill of Mr. Peter Shreve against Lewis W. Pancoast, dated 24th November, 1851, for \$107.49, being shown witness—That is the bill I had when we settled; there was a balance coming to me when we settled; I don't recollect, I think it was some \$40; he gave a check, and I went to the Bordentown bank and got it.

Exhibit blank on part of the probate, being a receipt from Renshaw to L. W. Pancoast, dated April 2d, 1852, for \$45.39—This is in Lewis' handwriting, the signature mine.

Exhibit blank on part of probate, being shown witness, being a check on Bordentown bank, dated April 2d, 1852, from Lewis W. Pancoast to Peter Shreve, for \$45—This check is in Lewis W. Pancoast's handwriting; he gave me the check for \$45, and paid me the thirty-nine cents.

I was present at a business transaction between him and Isaac Forman—I don't remember the exact time—it was on the day when the interest money was due—it was on the 2d April, 1852; he owed Mr. Forman interest money on a bond; it was a bond that was on the premises when he purchased it; Mr. Pancoast

wrote a receipt on the back of the bond or mortgage, which ever it was, and Mr. Forman signed it.

Exhibit I on part of the probate, being shown witness, being a check from L. W. Pancoast to Isaac Forman on the Bordentown Banking Co. for \$270, dated April 2d, 1852, being shown to witness—That is the check that was given for the money; that check is in the handwriting of Lewis W. Pancoast. After this, I was at Lewis' house several times, and also saw him in Bordentown. Mr. Pancoast spoke to me about having made a will before he went to the asylum whilst he was at my house; he said it was in the hands of John L. McKnight, among other papers he held of his; he requested me to call upon Mr. McKnight and get those papers—I mean, including the will, when I say papers; in asking Mr. McKnight for those papers, I said nothing to him about the will; I met Mr. McKnight in the cars, and asked him if he had not some papers of Mr. Pancoast's, and told him he had requested me to call and get them; Mr. McKnight said he had no papers belonging to Mr. Pancoast. When I went home, I told Mr. Pancoast what I had done; he said that he had, and among them was a will purporting to be his; he declared that will to be null and void and of no effect; he merely went to say he was forced to make it, and therefore it was null and void and of no effect. Mr. Pancoast's capacity for transacting business was as good as any man that I ever had any thing to do with; I have reference to the time he came to my house up to the last time I saw him; the last time I saw him previous to his death was in the latter part of fall or early part of winter—it might have been fore part of winter; during this time, he manifested an interest in business matters—in his own business; his capacity for making contracts was as shrewd as any man I have ever met with; I knew him when he was engaged in business, and before he went to the asylum; I consider his business habits and capacity, from the time he came to my house, in '51, up to the last of my seeing him, just as good as before he went to the asylum and before he was afflicted; he appeared to take just as much interest in his business matters then as formerly. I have had my attention called to scars on Mr. Pancoast's legs; I saw some three or four scars down his leg, about the ankle—on the right leg, I think, if my memory serves me right; I did not take the pains to examine them to see if they were burns or not.

Cross-examined.—While Lewis lived at Satterthwaite's, I saw him for the first time; it was some two or three years, perhaps five, before undertaking to get him away; the first I saw him was

about two hundred yards from the house ; he had been down in the field where Nathan was, and he was on his way to the house ; I had conversation with him at that time ; he did not complain of any thing at that time, except his lameness and being confined there ; one thing I remember his saying about his lameness was, when he was over at the asylum, about his falling down a hill, and fracturing or dislocating his knee ; he was so he walked about with a cane ; he told me previous to that he had to walk with crutches ; if my memory serves me right, he said Dr. Sweet had operated upon

10 him, or done something for him—I don't recollect the particulars ; he complained like any other man would ; he complained about his being kept there in confinement and kept from his property ; he said Mr. Satterthwaite was appointed his guardian, and as long as that was the case he would have to be kept there, and deprived of that which he had a right to enjoy, what he had worked hard for ; he said a good deal about his ill treatment there, and complained of his appearance ; he said there was a great many of his acquaintances visited there, and they did not dress him or let him have clothing fit to wear ; I cannot tell what the complaints were, he made

20 so many of them—it has been so long ago I could not tell what about ; he complained of being restrained and watched. I meant when I said yes, he was watched ; he was controlled like a child ; he said he was controlled ; he said when persons came there to see him he was watched and could not go one side and have a private conversation with them without some one of the family coming up and depriving him of it ; I made it my business to go over there, for he had sent for me time and again, and I made it my business to go over there ; there was no one with him on that occasion ; our interview lasted from fifteen minutes to half an hour ; I do not re-

30 member the time of day—I think it was in the afternoon—I won't be positive about it ; there was no other persons present at our interview ; it might have continued longer had it not been for Nathan ; he saw us and came to us ; Nathan was some one hundred and fifty or two hundred yards off, within sight ; Lewis did not know of my coming at that particular time—I sent him word that I would come ; he wanted me to interfere and have him released, or have it done ; I advised him to get some older person ; we did not come to any conclusion about it ; we had no understanding at parting what was to be done ; all the understanding there was about it, I told him I

40 could not do it ; I don't remember how long it was after that when I next saw him ; I saw him two or three times after that before I released him ; the second time I saw him I merely passed the time

of day—there was no chance to talk with him; there were other persons present besides Satterthwaite's family was the reason I had no conversation with him; on this second occasion, I made it my business purposely, for I had no other business; he did not know of my coming; according to my best recollection, from the first interview I had with him until the next time I saw him, it might have been a year—it might not—I cannot say. I did not ask to have a private conversation with him; the next time I saw him was about the last of May to the first of June, 1851, a few days previous to my fetching him away from there; it was more than a 10 year after I saw him the second time; I had but two conversations with him whilst he was there; I have no recollection of seeing him more than these three times, except riding by there and nodding; on this last occasion I met him in the road about one hundred yards from the house; he knew of my coming, but not on that particular day; I sent word by Mr. Gamble this time; when I saw him was in the forenoon; we stook and talked awhile until Nathan came again; we had talked a good spell before Nathan came, maybe half an hour or more; we talked long enough to make arrangements any how; Nathan came up to us; for an excuse, I 20 made Nathan believe that I came out to see if I could not get a few seed beans from him, and got them, and returned back to Bordentown, and then went home; Lewis went to the house—all went there.

I told Mr. Lewis Pancoast there was no use of undertaking these things, to get him clear, unless he would meet his brother Samuel, and have a private interview with him, and satisfy him he was all right, for Nathan had led the family to believe he was not of his right mind; he consented so to do; the coming Sunday was the 30 day fixed for them to meet at my house—they did so. I was to go for Lewis, but could not, and sent for him; I sent my brother John after him; Lewis told me he was waiting, and had almost given me out; he arrived at my house a little before or after ten o'clock in the morning; his brother was there when he arrived; I think that Samuel and Lewis had not been on speaking terms for some years; I heard that was the case, the reason I say what I do; I cannot say that Samuel visited him whilst he was at Satterthwaite's; Lewis offered to pay me for releasing him; he made this offer the first time, and the last too; he offered to pay me a pretty good 40 lawyer's fee, five hundred dollars; he never paid me this; he spoke of it a number of times, and said he would as soon as he could get money enough together to pay the encumbrances on his farm. I

have never received it of any one else; I calculate his estate is good enough for it; when I made these arrangements for getting Lewis away from Satterthwaite's, Samuel knew of it at the time; I told him I was a going to make something by it, and said he wanted to be satisfied; I told Mr. Samuel Pancoast, the day I saw Lewis, that Sunday was the day he was to meet him at my house; I selected Sunday for the day to get him away, at Lewis' suggestion; he said the family would be gone to church, and that would be the best time he would have an opportunity to get away; I never applied to Satterthwaite, at any time, to have a private interview with Lewis; I had a conversation with Nathan Satterthwaite previous to my ever going there, telling him I had understood Mr. Pancoast was there, that he was well and rational; sometimes he would get excited like all other men, and then he would begin to talk about his treatment; I then asked him if he did not think it was wrong in keeping him there, and he made a kind of a whooping reply to it, and then said he did not know but it was wrong, and thought him capable of taking charge of his property.

Question. Why all this secrecy about getting him away?

20 *Answer.* Because he found that I was interested in him, and he bounced down upon me; that was the reason why I done as I did; I was not going to apprise him, after I found I was touching his interest; this conversation was before I ever had any interview with Lewis.

Question. What did Nathan say or do when he said he bounced down upon you?

Answer. I forget what he said, but said what any other man would when I was touching their interest; he made this account of the transaction, as guardian, from the book that Nathan had kept it in; the chancellor gave orders for Nathan to give the papers, books, and every thing of the kind he had kept it in; this account book was given to me by Nathan; I compared the account that Lewis had made out with the book he kept it in; we found it to be a correct copy; Lewis, Samuel, and myself went out to Thompson's previous to the sale of his personal property, to see and look around; we did not go there to purchase such articles as Lewis might want; I can't say, but must think Lewis went with me to Thompson's sale—he was there; I purchased for him an open wagon, for one thing I remember, at Lewis' suggestion; I bought no household goods—wagon and rain cask; as the stalks were about being sold (I think a stack was sold for a shilling), he told me to go to Mr. Thompson and say he would give him a shilling a stack, and take

the whole, as he did not want them to go off the place; Mr. Thompson consented to take it, and told me to go to the clerk and have them put down; I think I told him to put them down to Pancoast, but I am not certain about that; I don't know what the articles came to I purchased at that sale for Pancoast; I have no recollection what articles Samuel bought for him—I think he bought some; I think Bartlett had the mare bought in his name, but won't be positive; the things that were bought were all out doors; I was not engaged in the farming business at the time, nor was Bartlett or Samuel engaged in farming at the time; when Lewis told me 10 he was forced to make that will before going to the asylum, he said he was forced by his father; Lewis said he kept at him until he made it—it was done but a very short time before going to the asylum; he said if they considered him to be a lunatic, he must have been a lunatic at the time of making the will; he showed the scars upon his leg to me; he told me the scars had come from being burnt in the lime kiln; after Lewis lived on the farm, I never tried to sell him any thing except a horse, and that was a few days previous to his going on the farm; he did not purchase this horse of me; that was a few days previous to his going on the farm; I went 20 out there to show him William Thompson's carriage; Mr. Thompson went with us; he did not buy it; the reason he assigned for not buying it was, it was not convenient for him to get in and out at; he also said there was another person tried to sell him one that he liked better—I think it was in my presence; he did not, upon that occasion, tell Mr. Thompson that he could not buy that carriage without first seeing Samuel.

Being re-examined, says—The first fall that Lewis purchased the farm he employed Samuel Thompson to put wheat in the ground; Mr. Thompson asked him if he might not get the grass 30 seed, as he was dealing in Philadelphia, and thought he might get it cheaper than he could; Lewis studied the matter over a while and told him he might do so; Mr. Lewis Pancoast made the bargain with Thompson to put in the wheat and grass seed—I was present when the bargain was made.

Being cross-examined again.—I think the bargain about the wheat crop was made on the day Lewis bought the articles, previous to the sale; I most think Mr. Samuel Pancoast was also present; Lewis did not consult with either of us about letting Thompson buy the grass seed; I am certain I did not express any opinion 40 about his buying of it—I don't know whether Samuel did or not at the time; when Lewis said he revoked his will, my family was

present beside me; my wife was one; her name is Lydia Ann Shreve, Susan Wilson (cousin), one of my children was present, I can't say which one.

Examination in chief.—Mr. Lewis Pancoast requested me to call upon Mr. McKnight and get some papers of him he held of his.

Cross-examined.—When he told me to see Mr. McKnight, he said there was a will among these papers; when I asked Mr. McKnight for the papers, I did not ask for a will; Mr. McKnight did not say to me, on that occasion, if he had any paper of Lewis',
 10 tell him to call and get them himself—he expressly said he had none.

PETER SHREVE.

Sworn and subscribed in open court, January 11th, A. D. 1855.

GEO. HAYWOOD.

John T. Warner, being sworn on part of probate, says—Lewis W. Pancoast employed me to work for him on his farm, November 17th, 1851, at ten dollars per month; I only worked one month at that rate; I went to school through the winter; in the spring we made a new bargain, he was to give me eleven dollars per month;
 20 I continued to work for him one year at that price; I worked after this until the time of his death; I was to have twelve dollars per month through hay and harvest; Lewis Pancoast settled with me for the work I done for him.

Exhibits blank, on part of probate, being four receipts from John T. Warner to Lewis W. Pancoast, dated as follows: 1st, April 3d, 1852, for \$10, 2d, dated June 25th, 1852, for \$30, 3d, dated November 1st, 1852, for \$10, 4th, dated January 8th, 1853, for \$30, being shown to witness—The body of the receipts is in Lewis W. Pancoast's handwriting, the signatures are mine; the money that
 30 those receipts call for was paid to me at the time specified; Lewis W. Pancoast sold the produce of the farm; I recollect of his selling hay and corn; I recollect of his selling wheat—the wheat was sold to William Emley, for \$1.25 per bushel, eighteen bushels; it was about five cents a bushel more than wheat was generally bringing at that time; I recollect Lewis selling stock at that time, such as calves, to Nimrod Warner; Nimrod bought the cattle, also, him and Foulks together; Lewis bought some stock for the farm from William Hance—steers; Lewis Pancoast gave directions in respect to the work of that farm; Mr. Pancoast was interested in the
 40 business of the farm; he would go out and show you what he

wanted done, and tell you so and so about the work; when we ploughed or harrowed, he gave directions and told you how he wanted you to do it; there were a good many people to see Lewis W. Pancoast, while I lived with him, on business matters; this continued until the time of his death; I have seen him transact business with persons while I lived with him; his capacity for doing business was as good as any man ever I saw—I refer to all the time I lived with him; he had an idea of the value of his stock and farming produce—his idea about his produce was like other folks; Lewis wanted the highest price that he could get; when Lewis was well 10 and in health he would walk over his farm, and look after his work, when it was fit, a pleasant day. I lived in the family and eat in the family.

Cross-examined.—I don't know that Lewis made any other payments to me except those specified in the receipts; I have no knowledge or recollection of any such payments; during the time I lived with Lewis, he sold pretty much all the produce that was sold off the farm—yes, sir, pretty much so; Mr. Samuel Pancoast made one sale of produce is all I know of, but Lewis told him to—the weather was so bad he could not get out; it was hay, I forget how much; 20 it was sold to Bartlett, in 1852; Lewis sent word in to Bordentown for Samuel to sell it; Thomas Fenton took the word in; I don't know of Fenton selling produce at any time; the wheat he sold to William S. Emley for cash, or he traded for bricks, I think, to build a cistern; when any work was to be done on the farm day by day, Lewis Pancoast gave me directions to do it—most of it; Thomas Fenton superintended the farming; he did give me directions—Lewis told me; sometimes one and sometimes the other would tell me what to do; I expect they had an understanding between themselves; Lewis continued to transact business up to the 30 day of his death; he did not do any business the day of his death; I don't know how long before his death he done any business; he transacted business with me, for one, up to the time of his death; he paid me money—I forget when it was—a few days before he died; I cannot give any idea how many days it was before he died; I don't know how long it was; the amount was five dollars—I gave him a receipt for it; he charged it in his book; he died in June; I don't think this payment was made to me in January; I am not certain any thing at all about it, for I do not know when it was paid; I don't know with who else he transacted business up to his 40 death; I don't know that he transacted business with other people up to his death—not for certain; I don't know how long he was

sick prior to his death ; I lived in the family then ; I can't give an idea how many days or weeks it was—it was not a month ; he took care of himself most of the time ; during his last sickness, no one at all took care of him, until the last three or four days ; Nancy Luke took care of him then ; she did not live in the family ; he told her that she might come out there and stay a while ; she had no wood in the town at the time ; I don't know how long she had been there previous to his death ; I don't know how long she had been there—I don't know any thing about it ; at the time Lewis
 10 became unable to help himself, she was there ; she came there in the latter part of the winter ; she did not come out to stay there—she came out to see them, and went from there to Nathan Satterthwaite's to see them.

I don't know how long she remained at Satterthwaite's ; she did not again return to Lewis' ; I don't know how long she had been there before Lewis became unable to take care of himself ; she was there when he died ; I don't know how long she remained there after his death ; whilst she was there, she done some little house work ; I don't know what she done about the house—helped with
 20 the rest of the work ; I don't know how long Lewis had been complaining before he died—he was for three or four days so that he could not get out of his room ; there was no physician attended him until the last day or two—that physician was Dr. Longstreet ; Samuel was out there during his sickness—I don't know how long before he died ; I can't tell whether he was out there the day he died ; I believe he was out there more than once ; I don't know that his sister Emily was out there ; I saw Lewis during the time he was confined to his room ; I don't know that I saw him every day ; I don't know that persons sat up with him that night ; I be-
 30 lieve he was sensible the last three or four days, from what I saw of him ; I don't know that he remained sensible until he died ; I saw him a day or two before he died ; I don't know that I saw him on the day of his death ; I can't tell any thing about it ; he drank ardent spirits two or three months previous to his death ; this was his practice or habit, the same as any one else ; this was not his practice or habit during the whole time I lived with him ; when I first went there to live, or reside, he did not drink any thing ; he commenced drinking somewhere in 1852, in the winter of 1852 ; he generally drank brandy ; he drank some porter, I believe ; nothing
 40 else that I know of ; he continued drinking, once in a while, along up to his death ; he generally got his brandy at Henry Bryant's, I believe, no where else that I know of ; I don't know that he ever

sent Francis B. Gordon, Charles Nichols, or William Tiel's for himself; he used to get some for the harvest hands at Nichols; I don't know how many times I procured brandy for him, more than once; I could not give any idea about it, it was frequently—sometimes a quart, sometimes a half gallon; I don't know any thing about how long a quart would last him; I have not got a quart for him several days together in succession; I have not obtained for him during one week several quarts; I did not obtain for him all the liquor that he drank—Thomas Fenton obtained it for him besides—nobody else that I know of; there was an Irishman worked 10 for Lewis by the name of Charles Dolan—he worked there at the time I did; Charles Dolan never got any for him that I know of.

Question. What was the largest quantity of liquor that you know of being obtained for Lewis in one week?

Answer. I could not tell any thing about it; I never saw him nothing out of the way; during the latter part of his life he was always about and always going; I am twenty-one years of age now.

Re-examined in chief.

Question. When you say that Lewis transacted business up to the time of his death, do you mean that he was about and attending 20 to his business as usual until his last sickness?

Answer. Yes, sir, I do.

When I said Mrs. Luke did not return from Satterthwaite's, I meant she did not come back there immediately; her residence generally was in Bordentown.

Cross-examined.—She lived at Lewis' as a friend.

JOHN THOMPSON WARNER.

Sworn and subscribed in open court, January 12th, A. D. 1855.

GEO. HAYWOOD.

Stephen Cubberly, being sworn, says.—I live near Bordentown; 30 I knew Lewis W. Pancoast; I was acquainted with him for seven-teen or eighteen years; he was in the lime business—burning lime, when I first got acquainted with him; I had dealings with him at that time; I think I had horses and carts at work for him for several days, can't tell how long, and bought lime of him; I knew him when he lived on the Thompson farm—I had dealings with him there; we pulled a peach orchard up for him with our horses and oxen both; Lewis employed me to do it; at the time we were pulling up the peach orchard, Lewis was there back and fore; I sold 40 him fifty or one hundred bushels of oats—fifty, I think it was; for

one thing, I sold him a cow ; I ploughed a field of new ground for him ; my team and hired man did ; Lewis paid me for the ploughing, clearing up the peach orchard also ; he paid me for every thing I done for him—nobody else paid me ; I believe he kept an account of the transactions between us ; what I mean by keeping account is, he put it down in his book, and I gave him a receipt for it.

Exhibits blank, on part of probate, being shown to witness, being three receipts from Stephen Cubberly to Lewis W. Pancoast, first dated November 18th, 1851, for \$30, second dated December 6th, 10 1851, for \$30, third, dated January 24th, 1852, for \$48.75—The body of these receipts is in the handwriting of Lewis, and my signature ; the money that those receipts calls for was paid somewhere about the time they call for, I don't exactly remember ; when I was at work for Lewis, we had some considerable conversation on various things—about farming, which would be the best way, and so on ; his ideas about farming were about as good as any other man's that had never been a farmer, a new beginner ; he seemed to be pretty smart about transacting business ; he always made pretty good bargains with me—he seemed to be pretty tight ; I would 20 have been willing to have entered into any business contract with him at that time ; after I sold Lewis the oats I did not see him very often ; we quit dealing ; I would frequently meet him ; generally when I did see him was in Bordentown—passed by him—generally would speak, and that was all ; at the time Lewis was in the lime business, and whilst he lived on the farm, I don't know that I discovered any difference in his business capacity.

Rent book being shown to witness—I have seen that book before ; I should say that was in Lewis' handwriting ; the account in the book with me is correct.

30 Cross-examined.—I don't think I had any business transaction with Lewis for a year or more previous to his death ; he always paid me the money when those receipts were dated ; I think he paid me the money this receipt calls for when it was dated, January 24th, '52 ; I think this receipt is meant for '52 ; I know I have seen him make the entries in this book ; when he paid me the money and passed receipt, he put it in his book ; he told me that was the way he generally done.

STEPHEN CUBBERLY.

Sworn and subscribed in open court, January 12th, 1855.

GEO. HAYWOOD.

Phineas S. Bunting, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed, says—I was acquainted with Lewis W. Pancoast, deceased; I think the first of my acquaintance with him commenced between the years 1818 and '20; I knew him when he was engaged in the lime business at Bordentown; I saw him after he was restored to his property; I saw him here in Mount Holly several times, also in Bordentown; it was at the clerk's office that I saw him; I took no part in the business that was going on—it was when Mr. Burr was clerk of the county; he conferred with Mr. Burr, and I recollect of his 10 speaking of property that came to him from his mother; I was one of the arbitrators agreed upon between him and his former guardian; I next saw him at Bordentown on that business—I talked to him there; his conduct showed as much shrewdness for business as any man in the ordinary way; he took an interest in his business through his attorney; he spoke to him frequently, and made suggestions to him; I think he dined with us at Mr. Bartlett's; he was at the table with us; the other arbitrators were Joseph Satterthwaite and Edward Thorn; I think I saw him but once or twice after that, and that was soon after that settlement of the account between them; 20 the arbitration was about three or three and a half years ago, the latter part of summer or early part of fall; on these several interviews, he conducted himself very properly—his conversation was perfectly rational; I had seen him repeatedly while he was in the family of his guardian, Mr. Satterthwaite, and afterwards, when I met with him, I watched him closely, to see whether he was in his proper senses and capacity to do business; I did not discover any thing in him to make me doubt his ability to manage his affairs properly; upon these several interviews, I had considerable conversation with him; I saw nothing at all in his conduct but what 30 indicated that he was perfectly sane; I would wish to qualify that in one respect, that was, when he would be speaking of the treatment he received at the lunatic asylum, he then would speak of it in such a way that any body would not believe it to be true. I presume he was at Nathan Satterthwaite's about three years or more; I saw him at Mr. Satterthwaite's from the first of his being there; there was a marked change in his mind for the better, from the first of my seeing him there and after he was restored to his property; I had business transactions with him before his going to the asylum—bought lime of him frequently. Before he got intemperate, he 40 was very correct in his business; he was a money making man.

Cross-examined.—When I first saw him in the clerk's office, af-

ter he had been restored to his property, was but a short time after, about two months; Peter Shreve was with him on one or two occasions, perhaps only one; I think his business in the clerk's office at that time was in relation to some business about some property that belonged to his mother; he was at the clerk's office more than once, I think three or four times; I never took any part in the business—Mr. Burr was always there; I don't know whether he had always business there—there were others there with him that might; I have no recollection whether any body but Peter Shreve
 10 was with him; I believe his brother Samuel was with him once, I don't know whether more than once or not; I had considerable conversation with him on each of these occasions, speaking about the pleasure it gave me to see him restored to his property again, and so on, and he said he understood his own business, and could manage it better than any one else could; I think he informed me that I was one agreed upon between him and Mr. Satterthwaite to settle the guardian account; he did not inform me of this on my first interview with him; I am not positive he spoke to me at all on the subject, if he did, it was at the third time I saw him; I can't
 20 say when it was he spoke about the treatment he had received at the asylum—he spoke of it several times; during his whole life, from the time I first knew him, he had a habit of talking at random, he would let his imagination take the place of facts; when he spoke of his treatment at the asylum, he spoke of harsh treatment—he spoke of being confined, and not having his liberty, and as suffering from the want of medical attendance; I don't remember how he said he was confined; I laughed at his stories, and I did not let them rest on my mind; I do not remember what he called the asylum—I do not remember his using the term *bastile*—he
 30 might have done it; on all of the occasions I saw him, he did not speak of his treatment at the asylum; it was generally whilst he was at Mr. Satterthwaite's that I heard him speak of the asylum; I don't know that he ever spoke of his treatment there more than once after he left Mr. Satterthwaite's; it is impossible for me to say when it was; I think he spoke of it on that occasion pretty much the same as he did whilst at Satterthwaite's; he has spoken to me about the treatment he received at Satterthwaite's after he was restored; I can't tell how many times more than once; I think he made complaints of his treatment—the most particular complaint
 40 I recollect hearing him make was a suit of clothes he had charged him with; there is a difficulty of my repeating what he said to me whilst he was at the family's, and after he left, from the length of

time that had elapsed. At the arbitration at Bordentown, Mr. Cannon and Mr. Hutchinson were his counsel; Mr. Samuel Pancoast was present at that hearing; I think he manifested an interest in the business; I think he frequently conferred with the counsel of Lewis; I don't recollect what suggestion Lewis made to the counsel—don't think I heard; it was generally done in a whisper; I only inferred that he was making suggestions to his counsel; there were exceptions to Satterthwaite's account filed before us; those exceptions were not all allowed by us; the majority of items, I presume, were disallowed; Mr. Satterthwaite, in his stating and rendering his account, admitted there was a considerable balance coming to Lewis; I remember there were some exceptions to Satterthwaite's account that he made was not allowed; I don't remember that Samuel took a great deal more interest in that arbitration than Lewis—it might be a fact; I recollect that Lewis appeared to take a great deal more interest in it than Satterthwaite himself; I don't recollect of Lewis sitting in his chair, taking a little or no part; I remember of his speaking of different accounts as they rose; he sometimes spoke out loud at the board where we were sitting; the one occasion I spoke of on which he was restored to his property, and which he spoke of his treatment at the asylum, was at Bordentown; I can't tell whether it was before or afterwards, or during the time the arbitrators were sitting; aside from this arbitration, I never did do any business with him after he was restored to his property. 10 20

Exhibits blank, being a list of bills, notes, and book accounts, marked as outlawed, being shown witness—these lists, I believe, are in Lewis' handwriting; on that investigation, it turned out that a number of them had been paid, and paid to Lewis during his business transactions, previous to his business being taken out of his hands; receipts were produced by the parties for some of them; for some time previous to his business being taken out of his hands, he had grossly neglected his accounts, it appeared; I can't say whether he had forgotten about these transactions or not—some I presume he had, and some not—some he admitted at that time had been paid, and left open on the book; it appears to me some person had brought him some wood, and when the account was brought before the arbitrators he admitted it; I can't recollect whether he remembered it before it was stated in relation of others of these accounts or not; I don't know that he remembered that being paid before the receipts were mentioned or not. 30 40

Cross-examination.—While he was at Satterthwaite's, he was in

the habit of furnishing him with his clothes; on one occasion, Mr. Satterthwaite furnished Lewis with a suit of clothes, and told him they were cheaper than he could get them any where else, and Lewis consented to take them. In looking over the receipts of Mr. Satterthwaite, after he had been restored to his property, he discovered one, from the widow of Joseph W. Reckless, for a certain amount for a suit of clothes; it was then discovered that they were her deceased husband's, and that is what he complained of; the complaint he made about a suit of clothes to me. It is very strongly
 10 on my recollection that Mr. Samuel Pancoast spoke to the counsel while in the arbitration room; I don't recollect where he sat upon that occasion.

Cross-examined again.—This complaint he made about the clothes was a whole suit I think, coat and pantaloons at any rate; they were nearly new.

PHINEAS S. BUNTING.

Affirmed and subscribed in open court, January 12th, A. D. 1855.

GEO. HAYWOOD.

20 *Edmund Bartlett*, on part of probate, alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed, says—I occupy the Washington House in Bordentown; it belongs to the estate of Lewis W. Pancoast; I was acquainted with Lewis W. Pancoast, deceased; I first became acquainted with him in the fall of 1849; he lived at Nathan Satterthwaite's; I went out there to see Mr. Satterthwaite in regard to that property where I now live, for the purpose of ascertaining whether I could get the property for a term of years after Mr. Tiel's lease expired; I saw Lewis at this time; I had not a great deal of conversation with
 30 him at that time; I asked him a few questions about the property; I stated I wanted to get it; he stated he had a guardian, that was Mr. Nathan Satterthwaite; he said he could not do any thing himself—I would have to do it with Mr. Satterthwaite; that was the amount of our conversation at that time; I don't know that I can tell exactly when I saw him again at Mr. Satterthwaite's—it was at two different times after this; the second interview I went to pay my quarter's rent; I don't know whether it was three months after or not; it was the next time I was there I saw Lewis; I exchanged a few words with him—but a few then; what few words he said
 40 to me was about the general business of the house and so on—and

then I was called back in the room—Mr. Satterthwaite called me back there; I saw him some time after that—I don't recollect when it was; Peter Shreve and I was together; it was on the cross-roads going from the Crosswicks road to the Grove road; we stopped there, and he hailed us as we came up, and we stopped; he said to Peter Shreve he was waiting to get a chance to see him, and said, you are the man I wanted to see, or something to that purpose—and Peter said, what did you want to see me for; he said, I think you are a suitable person, and I want to be reinstated to my property; he wanted to know why he would not undertake 10 it, and get it, and they fixed on some time, but I don't recollect on the time fixed, to come and take him down to his house; Lewis wanted to know if he would come soon; and he told him he would, and then Nathan Satterthwaite came in sight, and we left—we drove on; I was taking Peter on some business somewhere—I don't recollect where; we drove on, and then returned home; I did not see Lewis again until I saw him at Peter Shreve's at the mill; we had nothing more than the general conversation of the day at that time, I believe; I recollect the investigation at my place very well—before Mr. Hutchinson, as master in chancery; I saw 20 Lewis and conversed with him on that day; he visited my house almost daily after this; he occupied his time by reading the different papers that were taken there and general conversation with people that came along, as men generally do when they came along; I do recollect the arbitration that was had between him and his guardian at my house; Lewis was in the back room where the arbitration was going on; I think he sat between his counsel, rather back than between them, if I recollect right; I saw Lewis consulting with his counsel while the arbitration was proceeding; Samuel sat in the entry close to the door; the arbitrators and Lewis 30 all ate dinner at my house on that occasion; the arbitrators all had a meal there, whether dinner or supper I don't recollect; Lewis W. Pancoast settled with me for the dinner or supper; I recollect when Mr. Lovel was surveying his property adjoining the Pancoast property; Lewis came in from the farm that morning, and saw them carrying the chain and compass around there, and he inquired what the matter was; they appeared, from what I could gather, that they were at a loss for a starting point; they were looking for the line of the tavern property, so they could measure down the street; Mr. Pancoast told him he could tell him where 40 that line was at the gable end of the tavern property, the north end was the line, and there was a certain well in the cellar, and the

well was in the centre of it, and the line was there; and he said to me, Bartlett, you get a light, and I will show Mr. Lovel that well; I got the light, and went down cellar; Mr. Pancoast and Mr. Lovel followed me, and went down cellar; when we got down there, he showed me the well and showed it to Mr. Lovel; that was the first time that I knew there was a well there of that description.

Lewis said, you will find a plank on that well, if it has not been removed; I went to work where he directed me, and found the
 10 plank on the well, as he described before; the well was just as he said, the well was in the centre, as much in the alley as the cellar, just as he described it before we went into the cellar; we came out into the street in front of the house, and drove a stake next to the curb on a line with the gable end of the house, and then they measured from that down the street towards the river; I did not go any farther with them; I don't know that I can recollect the exact date—it must have been between 'fifty-two and 'fifty-four, somewhere between those two years; I don't recollect the date; I recollect
 20 when he purchased the farm of Samuel Thompson, it was about the time, I think, that James Lawrence bought Doctor Cook's place; Samuel Pancoast was boarding at my house in the fall and winter of 1851 and '52; Lewis lived with Peter Shreve at that time; I think, from recollection, he must have been on the farm then; he lived at that time with Peter Shreve; I can't tell to a certainty how long it was after Lewis purchased the farm before he went there; he took possession of it, and went there to live shortly after he purchased it; during the time Samuel boarded at my house, in the fall of 1851 and '2, he was sick; the cause of his sickness was a cancer on the lip; Lewis was there to see him—he came in almost
 30 every day when the weather was good; Lewis manifested an interest in his brother's illness; when he did not come himself, he sent in, and always charged me if he got any worse to send for him; I recollect of Lewis employing Captain Norris; he told me that he had made a bargain with Captain Norris to cure Sam's lip, as he called him, and said he had made a bargain with him to cure it for a hundred dollars; Captain Norris is a cancer doctor; I don't recollect who was to pay for it; Norris undertook Samuel's case; I don't know that I can tell exactly how long he attended him, but some months—probably two or three months; Samuel grew more
 40 ill after this; I recollect one particular occasion when he was seriously ill after this; Lewis was there; Samuel was taken very ill through the course of the day—I was out of the room at the time;

Samuel was up, sitting in his chair at the time in his room; he was taken bad in his chair; I was in the bar room at the time; my wife was up in his room, and halloed; I ran up stairs; Samuel appeared to be nearly or quite gone—I thought he was dying—Lewis was in the house at the time, sitting in the bar room; he must have heard the same noise, for when I got up there I took right hold of Samuel; in a few minutes Lewis came up; I think there must have been one man ahead of him; I think Lewis Mesler came into the room ahead of him; I sent him then for the doctor; I asked Lewis W. Pancoast if we should send for the doctor; he said yes, by all 10 means; I sent word over to his sister Emily how dangerously ill Samuel was; she came over. On that occasion, I saw Lewis and his sister talking together; they spoke as she came into the room; I saw them exchange a few words while in the room together; Lewis was there some time on this occasion; Lewis lived at that time on his farm; Lewis continued to visit his brother Samuel until he went to Philadelphia to have his lip operated upon; after Samuel went to the city, Lewis appeared to be very anxious about him, and charged me, in case I heard from him, to let him know immediately how he was getting on; on one occasion he asked me to 20 say to Emily, if he could be of any service, any thing he could get or do he would.

After Lewis was restored to his property, he talked to me about the property I had of his; I was asking him about some improvements I wanted done; I spoke to him about building a new barn; he told me that I must try and get along with as little expense as possible; he said the old house had cost him as much as a new one almost. After he was restored to his property, he said it was necessary that I should have a lease from him; this was shortly after he was restored to his property; him and I made a bargain; he 30 told me then to get a new lease drawn up, and he would sign it; him and I fixed upon the price of rent previous to this—the same price that I had been paying Mr. Satterthwaite, his guardian, \$300 per year; him and I signed a lease; I have got it with me; this is a lease of \$350; the old lease that I had of Satterthwaite was \$300; before that lease expired the agreement with Mr. Satterthwaite with me was, I wanted the third story of the house finished; that was the cause of this lease being \$350; the agreement with Mr. Satterthwaite was, I wanted the third story finished, and he said if that was done I must pay fifty dollars more a year; that 40 spring I was to have the lease, and as Lewis was put in possession of his property, I took the lease from him, and, as long as I had

agreed to give Satterthwaite that for it, I had this lease drawn the same; he never exacted any more than the three hundred dollars, after I told him what I had to pay for getting in there; I bought the lease of William Tiel, and had to pay him \$500 for getting in there; the addition to the lease was made at the suggestion of Lewis W. Pancoast.

Exhibit blank, being a lease from Lewis W. Pancoast to Edmund Bartlett, for the tavern property, dated 21st June, 1851, being shown witness—That is the lease signed by Lewis W. Pancoast
10 and myself; I settled the rents that accrued upon that lease with Lewis W. Pancoast; our habits of settling was, whatever improvements I wanted done I consulted him, and he told me to have them done, and get a bill, and settled them in the quarter's rent; I brought the bills of whatever I had done through the course of the quarter, and he added them up and struck the balance, and took my receipt book, wrote a receipt, and I paid him the money; I have my receipt book.

Exhibits blank, being receipts, dated July 4th, '51, for \$75, October 1st, '51, for \$75, January 1st, '52, for \$75, April 1st, '52, for
20 \$75, July 1st, '52, for \$75, October 1st, '52, for \$75, December 10th, '52, for (oats) \$18.75, January 1st, '53, for \$75, March 31st, '53, for \$75, from Lewis W. Pancoast to (witness) Edmund Bartlett; those are the receipts given to me by Lewis W. Pancoast for rent, also for some oats; I think I paid him the rent October 1st, '51, whilst at Peter Shreve's; I forgot my book, and took a loose receipt; I have bought hay and oats of Lewis whilst he lived on the farm; I made a bargain with Lewis for the hay; I settled with him for it; I recollect of his selling hay to Lewis Mesler and George Clift whilst he lived on the farm; I recollect of his selling hay to Alfred
30 Thompson; I sold all of my manure to Lewis; I had a good many loads of manure; Lewis settled with me for that; Lewis was at my house after Samuel went to Philadelphia to be operated upon almost every good day there was; when Samuel went to Philadelphia, Lewis told me I had better have his office locked up, and keep such men as Empson Brittenham out of there.

When Lewis lived on the farm, and visited my house, I heard him speak about a will that was in John L. McKnight's hands frequently; he said he intended to make another will, and John McKnight should never be benefited by his property; he said John L.
40 McKnight would not speak to him when he met him, and took no notice of him. I paid him the last rent at his house on his farm; Mr. Cannon and Samuel Pancoast went out with me, or I went to

take them; Mr. Cannon went out to make a settlement with him, and to take up a mortgage that was on the property where he lived, on the farm; when we went out there, I think we found Lewis in the yard; we went in to the sitting room; he invited us in; Mr. Cannon, he took a seat to his desk, and asked for his bank book; I think he did; Mr. Pancoast took his key and unlocked his drawer, and took his book out; Mr. Cannon then proceeded in making calculations and writing, and drawing up an instrument, a bond I think it was; Lewis had not sufficient money to pay off the encumbrance; Mr. Cannon lent him the money; it was four hundred 10 and some odd dollars; I don't recollect the amount—somewhere in the neighborhood of fifty; Mr. Cannon drew up an obligation or bond—it was read over to Lewis; I remarked (I don't know that I held my discourse to any one in particular, I think it was Samuel,) the amount was double; Mr. Lewis Pancoast remarked to me, that it was necessary for such an instrument as that to have it double the amount; after this bond was read to him, he put his finger on the seal, and signed his name to it, and said, I, Lewis W. Pancoast acknowledge this to be my hand and signature; Samuel Pancoast and I were the witnesses that signed it; there was a 20 check drawn upon that occasion on Bordentown bank; that bond was to Mr. Cannon; after this bond was executed, he said, thank fortune I am clear of Forman—that was the man that had the mortgage on the farm, I think; I then paid my rent after Mr. Cannon got through with his business, and he gave me that receipt; we did not stay long there after the business was through; I paid my rent, and we came right away.

I saw Lewis two different times after that; the first time I was driving out on the road—I saw him between his farm house and the next, just by his lower gate; as I came up to him I says, how 30 are you Mr. Pancoast; he spoke, and just ahead of me there was a pair of mules running in the road just ahead of his, and he spoke and said, what will you give me for them mules, and I said, I believe I don't want to buy; well, says he, I don't want to sell them to you, for they are not mine to sell; I think these were the words he said.

This interview that I have been speaking of was shortly after I had paid him my rent, March 31st, '53; I saw him again some little time after this, probably a week; I had been out taking my wife a riding, and I overtook him in the road, before I had got to his house; 40 I spoke to him, and asked him how he was; he said he was only middling; then he asked us if we would stop and go in; we told

him no, not this time, we would call some other time, and went on; I saw him a few days before his death; I took Samuel out there and his sister Emily, I think she remained there that afternoon and a little spell in the evening; I think I went after her in the evening; he died on the fifth of June, 1853. Mr. Cannon came down on the Sunday morning after his death—I was at breakfast, and he looked into the window, and said, I understand Lewis is dead, and I told him yes; he says, I understand he has made another will; I expect you know all about it; I told him I did not know whether
 10 there was one made or not. [The counsel for the caveat object to these declarations of Mr. Cannon not being evidence.]

The day book of deceased, marked *Exhibit* blank, being shown to witness—The charge against me, under date of April 22d, 1853, for four loads of hay, are correct; I bought that hay of Lewis; I bought that lot of hay before I paid my quarter's rent on 31st March, '53, and it was delivered afterwards; I bought it at his house; I went out to see the hay; this hay was situated on the right hand side of the road along the lane.

Lewis Pancoast was lame; the cause was the dislocating his
 20 knee, burning his leg in a lime kiln; he showed me a scar on his leg, and told me how he came by that scar—the arch giving way, throwing him into the fire among the hot lime—(the fire); he did not state to me who fell in with him; the scar was on his right leg; Lewis used to complain a good deal about not getting his papers and deeds, and such things; at these several interviews, when I met Lewis while he was at my house, and I at his, I think I had an opportunity of discovering the condition of his mind; I had an opportunity on these occasions of observing his business capacity; I always considered him sharp and ready for any kind of business
 30 —always ready for any kind of calculation that was brought to him; the state of his mind appeared to be perfectly right, so far as I am capable of judging.

Cross-examined by caveators.—The first time I went out to Satterthwaite's to rent the tavern property I did not apply to Lewis to rent it; I knew at that time he was under guardianship, and also that Mr. Satterthwaite was the proper person to lease the property; at the time I and Peter Shreve took a ride out past Satterthwaite's, Lewis did not offer any particular thing to Shreve, if he would release him, and he said he would compensate Shreve for it; I don't
 40 think there was any certain day set for Peter to send for him, but some time was set; it was about a hundred and fifty yards from the house where we met him; I can't tell how long after this that

Lewis was brought down to Shreve's—soon after though; in that interview, I think Samuel's name was mentioned; I don't think there was much said in relation to that; I don't think I can recall what was said about Samuel; I am not positive, but one or the other, Peter Shreve or Lewis, mentioned Samuel's name.

At the proceedings before Mr. Hutchinson, in relation to the restoration of Lewis to his property, I don't think I was present, if that is the meaning of the question; I don't think I do know where that investigation took place. The arbitration at my house lasted one day and a night—I don't know exactly the length of time exactly it was going on; I won't be certain about that, it might have been a day or more, and it might have been less; I don't recollect positively whether it was a day or more or whether it was adjourned; I was in and out the whole time at the investigation; I don't think I ever saw Samuel in the room where the arbitrators were sitting; I don't know how many times I saw Samuel at the arbitration—several times; when I went in and out, and on each occasion, he was sitting in the entry; I can't tell what month it was in; I don't recollect whether the arbitrators and party dined more than one day at my house; I don't recollect whether the survey, 20 that I spoke of this morning made for Mr. Lovel, was made before he built the house or not; I most think it was made before the house was built; I think it is quite likely that survey was made to fix the line for the houses; I don't recollect the season of the year the survey was made. At the time Samuel was taken sick at my house, I don't know whether there had been any intercourse between Lewis and his sister Emily; I don't know that I ever did see him visiting his sister Emily; she lived in the Main street, near my house, within sight.

Question. Had there, for some time previous to that time, been 30 any intercourse between Samuel and his sister Emily? [Question objected to.]

Answer. I don't know any thing to the contrary but what they were on good terms; during the time Samuel boarded with me, I don't know that Samuel was in the habit of visiting his sister; Samuel boarded with me better than a year; during that whole time he boarded with me, I don't recollect of his being at her house; saw them talk together during that time; on that day when Samuel became so dangerously ill, I presume it was occasioned by the cancer on his lip—he had no other disease that I know of; Mr. 40 Cannon was present at that time; Lewis attributed his sudden illness at that time to his lip; he said there might have been a little

of the gout with it; Lewis did not insist at that time that it was the gout in his stomach—he said there might have been a little of the gout; he talked about it being in the family, and that was the reason he assigned for it; this conversation was in the room where Samuel was sick. At the time Lewis was restored to his property, I had a lease from Mr. Satterthwaite for the tavern property; if the lease I had at that time from Mr. Satterthwaite had run its time out, it would be up the next spring coming; the third story was finished previously to my taking the lease of Lewis; I had to pay 10 Mr. Tiel \$500, in order to get possession of that house; this sum was paid for the house, I called it, for there was nothing with it but an old ten-pin alley and a wood-house—I did not consider them worth anything; it did not include any bar fixtures; all I considered was worth any thing about was an eagle, worth about \$2.50; I paid Tiel \$500 for his lease for one year and the good will, besides the rent to Mr. Satterthwaite, and then I got a longer lease from him; I purchased all the hay I got off of that farm of Lewis during the time he lived there; I never had any understanding or contract with Samuel for any portion of it, nor any conversation with him 20 in relation to it; I never received any message from Lewis through Samuel in regard to the hay. I don't think I was present when Lewis sold hay to Alfred Thompson; he sold it to Clift in my bar-room—he sold to Mesler at the same time; the manure I sold to Lewis was not offset against rent—I charged him with it, and settled with him when I settled for the hay. When I was out with Mr. Cannon at Lewis', I don't know that the mortgage to Forman was paid off at that time—it was to be done; the \$400 and odd was loaned for the purpose of making up a sum sufficient to pay off the mortgage; he lacked that much on that occasion; Lewis 30 generally answered what questions were put to him; Lewis did not, upon that occasion, talk any more than any other man would have done; I think his conversation was confined exclusively to the execution of the bond; just before the execution of the bond, was confined exclusively to the business in hand; he did not quote any poetry on that occasion; I don't think that Samuel drew his attention to the bond before he executed it any time; I don't recollect Samuel calling his attention to the bond, and telling him to execute it; he answered the questions that Mr. Cannon put to him, and nothing more to my recollection; his conversation at that time was 40 not so peculiar that it caused me to smile and to wink to Mr. Cannon, in order to draw his attention to him; I did not laugh at the time—I don't recollect smiling even.

It was a few weeks, not many, after this interview that I saw Lewis in the road, and he wanted to sell the mules. When I took Samuel out there to see Lewis, was only a few days before his death; Lewis was then confined to his house, room, and bed at the time; I don't know what was the matter with him—I knew he was sick; he was not sensible when I was there; I did not take the sister out there when I took Samuel; I think she went out in the course of the afternoon, latish, of the same day; I don't recollect whether it was the next day, or next day but one, after I took Samuel and Emily out, that Lewis died. Lewis was not in the habit of 10 drinking much at my bar—what I mean by not much is, when he came in, he might take a drink at the bar occasionally; I don't think I ever knew him to drink more than twice when he came in on a visit in a day; when he was alone, he seldom took more than one; the hay I bought of Lewis I presume was delivered on the day the dates are on the book. In making the settlement of the 31st of March, I don't think the hay was paid for that day; this hay was settled for, since his death, with Samuel Pancoast, one of the executors; I think the word settled, opposite that charge, is in Samuel's handwriting; it was some weeks before the 31st March 20 that I bought the hay.

Question. Have you not manifested a great interest in this controversy?

Answer. In what way do you mean? I want to know wherein and how, and then I'll tell you.

Question. Have you not frequently discussed the matter in your bar-room with persons who entertained different views from you on the subject, and have you not exhibited considerable temper on those occasions?

Answer. I never did, unless I was attacked by persons of the op- 30-
posite party, who I have thought were sent there for that purpose—I took care of myself, of course; when I hear people tell things different from what they were, in which I am interested, I took care of myself, as I would in any case.

Question. Who were these persons—name them?

Answer. One was Bully King—various others, I don't recollect their names, Joseph Witley, no one else in particular. At the time of the arbitration I had my ordinary business about the hotel to attend to; there was not many dined there that day.

I recollect, on one occasion, Anthony Thorn was in my bar- 40-
room; I don't recollect what caused him to speak about it, but I recollect perfectly well what the conversation was; I was behind

the counter; he said to me, if Lewis W. Pancoast is a crazy man, he is the smartest crazy man I ever saw.

Exhibit blank shown to witness, being a statement in the handwriting of G. S. Cannon, esq., amounts due Lewis, as collected by Mr. Cannon—I saw that paper on the 31st '53, on Lewis W. Pancoast's desk, in his house on his farm; it was shown to L. W. Pancoast by Mr. Cannon; Lewis looked at it; I don't recollect whether he had it in his hands or not; the \$450 was loaned to Mr. Pancoast by Cannon on that occasion, for which he took his 10 bond.

Cross-examined again.—The statement that Anthony Thorn made in my bar-room about Lewis, I don't know whether it was before or after Lewis' death; there was nobody present when he came up to the counter and said that to me; there were others in the bar-room; I can't tell what gave rise to the remarks; I can't fix the time of these remarks any nearer than I have done; there had been no conversation in relation to Lewis which led to this remark—there might have been some by others, but I don't recollect; I don't recollect seeing any other statement but that on that occasion; I rather think Mr. Cannon took a receipt on that occasion 20 from Lewis, but I can't say; I have no recollection whether the receipt was appended to another copy which Mr. Cannon had or not; I saw the hay I bought of Lewis on each occasion; the last hay I bought of Lewis was over the road opposite the house, in stacks.

EDMUND BARTLETT.

Affirmed and subscribed in open court, February 12th, A. D. 1855.

GEO. HAYWOOD.

30 *Benjamin Buckman*, esq., alleging himself to be conscientiously scrupulous of taking an oath, and being duly affirmed, says—Lewis came to see me once whilst I was surrogate; he called in the office for the purpose of getting a copy of his father's will; I don't think he examined the accounts of the executors of his father's estate at that time; I think at another time, perhaps a little while after, he called to examine, and did examine, the account of the executors of his father's estate; I made a copy of the will, I think it was some time in warm weather, in 1852, when he called at these times; by referring to my memorandum, it was the 25th June, 1851, 40 the first time.

Cross-examined.—I think Peter Shreve, jun., came into the office; when he, Lewis, came for a copy of the will, I don't recollect seeing Samuel with him at that time; I sent the copy of the will to him; he paid me for it; I told him I would send it to him; I do not recollect of Samuel or any body else being in the office with him the next time he came down; the other time I recollect particularly; I don't recollect of his making any allusions to his being in the asylum; he was in the office only a short time the first time; I don't remember of any one else happening in the office at either of the times he was there.

10

BENJ. BUCKMAN.

Affirmed and subscribed in open court, February 12th, A. D. 1855.

GEO. HAYWOOD.

Counsel for probate offer a certified copy of the proceedings by the Court of Chancery restoring Lewis W. Pancoast to his property, the petition filed June 17th, 1851, the order of reference dated June 7th, 1851. The final order to set aside inquisition was dated 17th June, 1851.

Probate offers a letter from G. S. Cannon, esq., to Lewis W. Pancoast, dated June 12th, 1849, marked *Exhibit* blank; also a 20 letter from G. S. Cannon to Lewis Pancoast, December 10th, 1851; letter from same to same, dated December 10th, '51; letter from same to same, August 4th, 1852; account current between G. S. Cannon, esq., and Lewis W. Pancoast, dated between October 20th, '51, and April 19th, 1852; list of amount of mortgages left in the hands of G. S. Cannon, esq., belonging to Lewis W. Pancoast, with two memorandums in the handwriting of Lewis W. Pancoast.

Counsel for the caveators object to the last six exhibits, as being lawful evidence. Those papers were in the handwriting of G. S. Cannon, esq., and are admitted to be his. 30

William H. Bryan, sworn on part of caveators, says—I live at Bordentown, and have been engaged in the mercantile business for the last five years; Lewis W. Pancoast, in his lifetime, was one of my customers, and dealt at my store; I kept dry goods, groceries, and liquors for sale.

Exhibit E on part of caveators, being the day book of witness, shown to him, commencing March 17th, 1852—This is my day book; all my sales are entered in this book; these entries are made 40

every day; I presume these are entries in this book of liquor sold to Lewis W. Pancoast; different persons generally contracted these debts for liquor, Thomas Fenton and Thompson Warner; at the time these debts were contracted, I believe these persons lived with Lewis W. Pancoast; on turning to this book, I find, on January 8th, 1853, there is a charge of half gall. brandy, at \$1.50 per gall.; January 20th, '53, half gall. brandy, at \$1.50 per gall.; January 25th, '53, half gall.; February 24th, half gall. brandy, at \$1.50 per gall; February 26th, half gall. brandy; March 1st, three quarts
 10 brandy; March 4th, half gall. brandy; March 7th, three quarts brandy; March 11th, three quarts brandy; March 12th, one quart Madeira wine; March 14th, three quarts brandy; March 16th, one quart Madeira wine; March 17th, three quarts brandy; March 19th, half gall. Madeira wine; March 26th, three quarts brandy; April 2d, three quarts brandy; April 9th, half gall. brandy; April 15th, one quart Port wine, one quart Madeira wine, and two and three-quarters gall. brandy; April 18th, one quart Port wine and one quart Madeira wine; this was all got on Lewis' account by those
 20 persons; there were other items of groceries got for the house by the same persons, and charged to Lewis; all these items I spoke of were got in 1853; there were other charges in the book against Lewis after the 18th April, '53.

Cross-examined on part of probate.—Lewis W. Pancoast kept a pass book; I have made settlements with him; I don't recollect when he first commenced dealing with me; sometimes I sold this liquor to these persons, sometimes my boy; I cannot remember whether any body else got liquor for Lewis besides these persons; part of the book is in my handwriting, and part of my clerk's; I had dealings with Lewis to the amount of five or six hundred dol-
 30 lars after he went to live on the farm.

Exhibit blank on part of probate, being a lease from Lewis W. Pancoast to William Cowles and William H. Bryan, dated 1st April, 1852—that lease was given by Mr. Pancoast to myself and Mr. Cowles; I can't say that this is his signature; I don't know his signature; I took possession of the property named in that lease under the lease; I had previously to that time agreed with Mr. Pancoast upon what terms I was to have the property.

Seven bills and receipts from William H. Bryan to Lewis W. Pancoast being shown to witness—he settled those bills with me;
 40 those bills were contracted before he commenced keeping a pass book with me; some of these goods were bought by himself; after

the date of this bill, 1852, he commenced keeping a pass book, and I gave him receipts in it; we generally settled every three months.

Re-examined again by caveators.—I can't remember when I made the last settlement with him—I think it was within a year previous to his death, won't be positive; I don't remember whether the account in the day book has been settled before or after his death. The lease was given for property to build an engine house on; the engine house was built in '51 or '52, I think; I can't say that the engine house was built before the lease was given; the rent was \$1 per year; the seven bills and receipts, marked *Exhibits* 10 blank, on cross-examination—five of them bear date in 1851, one bears date in 1852, and one has no date.

Cross-examined on part of probate.—Check shown to witness, bearing date July 7th, 1852—He must have given it to me; I do not remember any thing about it.

WM. H. BRYAN.

Sworn and subscribed in open court, February 12th, A. D. 1855.

GEO. HAYWOOD.

William Thompson, sworn on part of caveators, says—I live at 20 Bordentown, have lived there thirty years, or close to it; I knew Lewis W. Pancoast ever since I lived in Bordentown, or close to it, twenty-five or thirty years; my business is a bricklayer; I recollect when Lewis W. Pancoast was engaged in the lime business; my business called me to his lime kilns frequently, almost every week; I generally saw him there on those occasions about his business, and conversed with him.

Question. Do you know of his having been burnt in the lime kiln?

Answer. I don't know; I never heard tell of it. 30

Question. Could that have occurred without your knowing of or hearing of it?

Answer. I don't think it could.

Question. Was he, at any time during the time he was engaged in the lime burning business, confined to his house with a burn for several weeks?

Answer. He was not, to my knowledge.

Question. From the nature of your business, and frequent interviews with him, could he have been thus confined to his house without your knowing of it? 40

Answer. He could not, without my knowing of it.

Whilst he lived on the farm, I went there to see him once with Peter Shreve to sell him a wagon; it was my wagon; he did not purchase it; he told me he would see Sammy, and he came in with us.

Cross-examined by probate.—My business does not call me away from Bordentown for a week or two at a time; I have never been away from there more than three or four days at a time since I lived there; I don't believe I missed a week, whilst Lewis Pancoast was engaged in the lime business, but what I saw him once a week; he commenced the lime business a long time ago, I should suppose twenty years ago, may-be not so long; I can't recollect—it may be fifteen years ago since he quit the lime business; he was in the lime business about ten years, may-be more; I don't know that I have heard of all the accidents that have occurred for fifteen or sixteen years in Bordentown; I don't think that I can put in my mind all the accidents that have occurred in Bordentown in the last fifteen or sixteen years, but I expect I can.

Question. Do you say, upon your oath, that Lewis W. Pancoast never was burned in the lime kiln?

Answer. I say so.

I was very intimate with him, Lewis, he used to send for me; Doctor Cook was his physician when he burnt lime; I don't believe he was ever burnt in the lime kiln; I never heard tell of it until after he went to the asylum. After he was restored to his property, Lewis and I never had any difficulty; he put a bond and mortgage he had against me in Mr. Cannon's hands for collection; it was all in perfect good humor; we never had no difficulty.

Re-examined on part of caveators.—I paid this bond and mortgage without suit; I had a bill against him, and calculated to settle it that way, and we did; I paid him the balance during the time he, Lewis, was in the lime burning business; he and I were very intimate; he frequently sent for me; he did not, during any of the time he was engaged in the lime business, ever mention to me that he had fallen in the lime kiln; he was very badly poisoned at one time during the time he was in the lime business, so that he was confined to his room; I assisted in taking Lewis to the asylum; I heard him halloo out one day to Nathan Satterthwaite whilst I was at his house, and when I went to get into the wagon, to look out for that Barnegat pirate; there never had been any controversy or quarrel before that between him and me, and there never has been.

Cross-examined.—I done some work for him after he was restored to his property; I saw him and talked with him; I did not see much of him; he was always very clever.

WILLIAM THOMPSON.

Sworn and subscribed in open court, February 12th, 1855.

GEO. HAYWOOD.

Anthony Thorn, being recalled on part of caveators.—During the time that Lewis Pancoast lived on his farm, I had several conversations with Thomas Fenton about liquor; in one of these conversations with Thomas Fenton, about the time Lewis and him 10 were going to part, the principal complaint that Fenton made about Lewis was on account of his wife; he said what I stated before, if I remember right; he would go up stairs and do his business, and wipe on the sheet; he said he would come to the table and glauam the victuals about, and come to the table without washing himself; I don't recollect any further at that particular time he stated; I won't be positive that he and Warner told me that he drank a half gallon of brandy and a half gallon of gin in a little more than a day;—did I say gin, I meant to say wine; he got it one afternoon, and then the next day he wanted more; for instance, if he got it 20 on Monday, on Wednesday he wanted more; I can't recollect any more than he stated they were giving it to him as fast as he could take it; I think that Mr. Fenton told me he drank over a quart a day; Fenton told me that Samuel directed him to give him as much liquor as he wanted—told me the reason too; Samuel said he would have it, and they might as well let him have as much as he wanted; Fenton told me that he did in relation to the farming operations just as he thought right; he said he did not pay any attention to what he, Lewis, said; he listened to him, and done as he pleased afterwards. 30

Question. In your former examination, you stated Lewis, at one time, wanted to sell some hay, which hay was then being carted away by his teams—on what particular part of the farm was that hay? [Objected to because it is not rebutting testimony.]

Answer. It was on the south of house, on the lane going up to John Collins'.

It was then nearly all carted away—it had been in stacks; I think I should be acquainted with the handwriting of Lewis W. Pancoast if I saw it.

Exhibit F on the part of the caveat, being shown witness, being 40

a memorandum made by Lewis W. Pancoast, he says—I believe that to be Lewis W. Pancoast's handwriting, to the best of my knowledge; I have frequently seen him write formerly, and was well acquainted with his handwriting.

Cross-examination by probate.—It was after the time that I was over there that Thomas Fenton told me that Lewis was drinking a quart a day, and Samuel told him to give him all he wanted.

The affidavit of Anthony Thorn, appended to the petition of Lewis W. Pancoast to the chancellor of the state of New Jersey, upon the application of the said Lewis W. Pancoast to set aside the inquisition of lunacy, which said affidavit bears date the 6th day of June, A. D. 1851, and was taken before Mahlon Hutchinson, jun., esq., master in chancery, being read to witness—

Question. Are you the man who made that affidavit?

Answer. I can't say that I am or am not the man; my name is not to it; I never wrote my name to that record in court—it may be so or may not.

Question. Is not this a copy of an affidavit made by you, on or about the 6th day of June, A. D. 1851, before Mahlon Hutchinson, jun., esq.?

Answer. I may be or may not—I have no recollection of it.

At the time of which he, Mr. Stratton, was speaking, there was a great excitement; I was called on several times in respect to that business of Lewis Pancoast's; I refused to attend at the time the examination was had; I have no recollection of this affidavit at all; it may be so or may not.

Question. Did you make any affidavit before Mahlon Hutchinson, jun., or any other person, on or about the 6th day of June, A. D. 1851, or at any other time, concerning Lewis W. Pancoast's state of mind upon his application to be restored to his property?

Answer. I don't recollect that I did; I don't even recollect Mahlon Hutchinson having any thing to do with it.

ANTHONY THORN.

Sworn in open court, February 13th, A. D. 1855.

GEO. HAYWOOD.

Mrs. Margaret Mullholland, being duly sworn on part of caveators, says—I live in Philadelphia, in John, above Poplar street; I am married, and my husband's name is Samuel Mullholland; I knew Lewis W. Pancoast, deceased; I first saw Lewis W. Pancoast when he boarded down by the creek; I was visiting Mrs.

Fenton at the time; Thomas Fenton lived near Shreve's mill at that time; I visited Mrs. Fenton after they lived on Pancoast's farm six or ten times—I don't remember I saw Lewis W. Pancoast on each of those occasions; I was there in the spring previous to his death—I can't recollect whether it was in the middle or towards the last of spring; I don't recollect how long before his death; it was fine weather over head and unpleasant under foot; I have seen him drink a great deal.

Question. Do you mean at that time?

Answer. Yes, sir.

10

I was there a week at that time; he drank from a quart to half gallon a day; he has been drinking ever since I knew him; I paid my first visit to the Fenton family on the farm directly after they moved there; he drank then porter or ale, I don't know which it was. On my visits there afterwards, he drank wine and brandy; Mr. Fenton obtained this liquor for him; I know the fact, that Fenton talked about quitting him; I don't recollect what it was about; I have heard Fenton get out of humor, but don't know what it was about in particular. Lewis sent Fenton after the liquor; he was not always willing to go; sometimes he objected, but he 20 went; sometimes he was in a very good humor, and sometimes very bad about going; during the last time I was there, he would walk about and lay down on the sofa in the day time.

Question. What was his condition from drinking liquor, can you describe it?

Answer. I can't.

Question. Was he drunk or sober principally during this last visit that you were there?

Answer. He was principally drunk; I saw him drink myself; he talked on many things.

30

Question. Did he talk connectedly or at random?

Answer. At random.

I remember hearing Lewis speak about his sister and brother, every time I have been there, about their not coming to see him; he used to talk about their not coming to see him; he did not think they used him altogether right; I don't recollect what else he said about their not coming to see him; he said they would not come to see him until he got sick; he did not say what reason there was for it; he said his sister had a \$1000 worth of silver ware that belonged to him; he did not say any thing more about the silver 40 ware.

Question. Did he express himself as being friendly with his brother and sister?

Answer. He always spoke as being angry at them.

I have heard him say that he was the richest man in Borden-town. I was talking to him one day, he told me about his sister; I told him she would be an outsider when he made his will; he said he did not care a damn who got it after he was dead. His personal habits about the house were not very clean; on the last visit that I was there he did not eat with the family very often. [The whole
10 of this examination is objected to by the probate, as not being rebutting testimony.]

Cross-examined.—It was the same year he died that I made this last visit—I don't recollect what year it was; the year before he took the farm was when I first became acquainted with him; he was living down by the mill; I do not know the lady's name with whom he lived; I don't know that he drank then; I did not visit the lady's house; I was not acquainted with him, but I had spoken to him; I lived in Philadelphia at that time; I never was personally acquainted with him until he moved on the farm; sometimes two
20 months, sometimes one month, would intervene between my visits to Mrs. Fenton; I can't tell how long I was there—only once the spring before his death; on this visit he talked about the lime kiln; he talked about the asylum, quoted poetry; I can't recollect any thing else; he talked to me; there would not be any body in the room but me.

Question. Do you mean to say that you were in the room all the time with him alone?

Answer. I was not with him all the time alone—no, of course not.

30 He used to talk to his nurse, Nancy Luke; he would talk to her about pretty much the same things I used to hear him talk to Mrs. Fenton; I used to hear him talk to the family.

Question. Now, Mrs. Mullholland, you have said he talked at random, what did he say?

Answer. Well, he talked about many things I can't recollect; he talked about the asylum; I can't tell what his conversation was; he talked about many things.

If I had known I was to be brought on such a particular occasion as this, I should have taken particular notice of things. It was
40 my last visit in the spring before he died that I told him I supposed Emily would be an outsider.

Question. Will you be kind enough, madam, to tell me how you came to be here to-day ?

Answer. I came to testify to the truth.

Question. Who brought you ?

Answer. I came myself.

I don't recollect how long it has been since I was first applied to to be a witness ; I think it was a year ago this winter ; by Mrs. McKnight, personally ; I can't recollect any thing about the month I paid this last visit ; the fields were not beginning to look green at the time ; there was no one of my family with me ; my little children were with me, two of them ; I am not a relation of Mrs. Fenton, only an acquaintance ; I have been there since Mr. Pancoast died. 10

Re-examined by caveators.—I was regularly subpœnaed to come here by Mr. McKnight ; the reason I did not come here a year ago, I did not care about coming ; no one ever persuaded me not to come up here ; I never received any message or word not to come.

Question. I suppose it is inconvenient for you to come now, is it not ?

20

Answer. Yes, sir.

Nancy Luke was taking care of Mr. Pancoast, I believe.

Question. At the time you made the remark, that his sister would be an outsider if he made his will, did he say he had made his will ?

Answer. No, sir, he did not at any time tell me he had made his will.

I can't recollect what he said about the asylum ; he said many things, how they had used him there, and how he had fallen down stairs ; he did not speak on very good terms about the asylum ; I recollect his saying he was burnt in the lime kiln. I came up from Philadelphia alone to-day ; sometimes when I came up to see my uncle, who lived in the neighborhood, I would stop and see Mrs. Fenton ; I did not always come up to see Mrs. Fenton alone ; my uncle's name is Peter Suttinger—he lives at Groveville—he is still living. 30

MARGARET MULLHOLLAND.

Sworn in open court, February 13th, A. D. 1855.

GEO. HAYWOOD.

Nathan Satterthwaite, being recalled, says—During the time that Lewis lived with me, I don't remember I or any of my family in- 40

interrupting the conversation of him and any persons calling there to see him; I do recollect Daniel C. Ellis being at my house several times; has been there several times; Hudson S. Ellis too; I never designedly interfered with any conversation Lewis had with them, and never saw any one else; neither me nor my family ever watched him, as far as I know; I have sometimes looked after him to see where he was when he was by himself; he could have walked to Bordentown if he had seen fit; he sometimes would walk to the high bridge and big white-oak tree from my house; he had no de-
 10 sire to go to Bordentown; Samuel was in the room part of the time while the arbitration was going on at Bordentown; I can't tell whether he was in the room all the time or not; I saw him in the room, I think, once or twice.

NATHAN SATTERTHWAIT.

Signed in open court, February 13th, 1855.

GEO. HAYWOOD.

Mahlon Hutchinson, a witness produced on the part of the pro-
 bate, alleging himself conscientiously scrupulous of taking an oath,
 and being duly affirmed according to law, says—Anthony Thorn,
 20 who has been examined as a witness in this cause, is the man who made the original affidavit before me, and a copy of which was read to him this morning.

MAHLON HUTCHINSON.

Affirmed and subscribed in open court, February 13th, A. D.
 1855.

GEO. HAYWOOD.