

in Ridgewille that was to be willed to James O. Brown, and another House was to be willed to Mrs. Green he went on to say that was the way the Property was to be disposed of that the object in calling the House to Mrs. Fodd was to show her to her friends if she would not stand by the Will.

13th Inter. Did Vachel B Fodd intimate on the occasion of which you have spoken in answer to the last preceding interrogatory that Property in Ridgewille it was that was to be bequeathed to James O. Brown?

Answer. He did; it was the Property in which Benjamin Fodd died.

14th Inter. Did he on that occasion intimate what Property was to be willed to Mrs. Green at that time, Mrs. Fodd?

Answer. He did not.

15th Inter. Do you remember what was the condition of your Brother Benjamin's mind as to Capacity say from middle of November 1866, to the time of his death?

Answer. The old gentleman's mind was a good deal flitting. I always thought that is all I have to say his mind was flitting, he was not well, was in a kind of stupor - put by much all the time, he was most of the time asleep sitting in the chair.

16th Inter. You state in your answer to the preceding interrogatory, that from about the middle of November 1866, until his death that the mind of Benjamin Fodd was a good deal flitting. What do you mean by the term flitting and what idea do you mean to convey by it?

Answer. I mean that his mind was wandering.

17th Inter. Now what you observed from the condition of his mind and body of your Brother Benjamin during the term mentioned in the last preceding interrogatory and from your acquaintance with him, state what your opinion is as to whether or not, during that time Benjamin Fodd was of sound and disposing mind, memory and understanding, capable of making a valid Will or contract?

Answer. I don't think he was.

18th Inter. Please state your opinion upon what you observed of the condition of mind and body of your Brother Benjamin Fodd, during the time from the middle of November till the last of December 1866, in regard to his power to resist influence & importunity from persons standing in confidential relations to him?

(Excepted to by J. S. for Defatts.)

Answer. He was very nervous and I think that (unless here stopped and said) I don't understand the question the interrogatory was again read to him by Complainant's Solicitor whereupon witness answered 'I do not think he could'.

19th Inter. Had you ever had an interview with Mr. Vachel B Fodd after Benjamin's death, and after the "one great" suit was brought, if so, state what occurred and what was said?

Excepted to by J. S. for Defatts.