admitted, pleading the making & execution of sd Cod: & that the Testor was Godfather to Thos: Smith Barwell, a Legatee therein, that he had declared to divers of his Friends, between the Time he stood Godfather & made sd Codicil, he wd do something for his sd Godson, & leave him at least £1000 & pleading that after making y Cod: he declared, he had remembered his sd Godson & by a Cod: had left him £1000. particularly the day after executing sd Cod: he said in Conversation to Mr Mckenzie (a Subscribing Witness thereto) about y Contents thereof, he had left £1000 therein to his Godson T.S.B. & £1000 more to Mrs Griffin, than he had done by his Will. On this allon 5 Witnesses have been examined

Bye Day Hil: T. 1764 Skelton for R.B. & A.H. gave an allon contradicting the afd assertions - pleaded the Testator died 1a Nov: 1762. & for 12 Months before & to his Death, was in a bad State of Health & incapable of taking care of his Person or Affairs; that in July 1762 his disorder increased greatly, from wch time he was incapable of transacting Business & pleading a total Incapacity, at, before, & after y Execution of the Codicil propounded. On this allon 6 Witn: were examined

and y Deed was under the undue Influence of E.G. . . . . .

18 Aug: 1764 a Contradictory allon to that offered by Skelton was given for E.G. pleading Sanity & Capacity in the Deed, before, & after y Execution of sd Codicil, & several Instances thereof: On this Plea 6 Witn: have been examined - the Witnesses differ materially from each other -

Depons as stated by Dr Wynne

Wm Barwell. writing Deed about the latter end of Decr . . . . Dept said pray Sir what have you done with the Codicil you desired me to write out last Decr have you executed it. Deed replied, I have not: Dept said, Why? my Children are nearest in Blood, after my Brothers, Deed replyd Mrs Browns Children, meaning the daur. of Dept's sd Brother Rd.B. are the same: Dept said, if you think so, I have done: Deed said No! I always intended to give my Godson (i.e. Deponts Son) £1000. draw out a Paper for that purpose & I will execute it; thereupon, he immediately wrote a Cod: giving £1000 to his Son, read it over to Deed, who also read it over, signed it - Mrs E.G. who lived with Deed was present at y latter part of y Conversation, & said, you sometime ago, bid me get a Paper drawn out, of y same Import, whereby you were pleased to add £1000 to y Legacy you had before left me; she then went out of the Room & returned with a Paper, purporting a Codicil with a Legacy of £1000 to his Sons to her, who, thro, mistake was called Wm, but which Cod: was not executed, Deed sat down to Dinner with Mrs E.G. & Miss Anne Howard, the £100 legacy to Miss A.H. is not inserted in either of sd Codicils

NB There is a variation amongst the Witnesses; Mr Mckenzie says, the Deed told him, he had sent for him to witness the Codicil he had mentioned to him before: then he took the Paper into his hands, & said, See, I sign it as my Deed, & then immediately set his hand to it in the presence of Pearson & . . . . . after signing it, he gave it to Gos: Barwell asked if whether that was sufficient -

In Edmonds speaking of the same fact, says, about 6 Months ago, on his going into the Room, there was a Paper lyeing on y Table, wch his master had signed & bad him sign; that Deed said to Wmts. I have left your Son £1000. Dept dont remember he saw Deed sign; only that the names were signed, when he attested the Paper

Wm Pearson. The Paper was lyeing on the Table, that Wm Barwell bid him sign it; he did not see Deed, seal, publish, or declare the Paper as his last Will; & that Deed did not appear to him capable on Sep: 14. of making a Will, or to know at either time what he said or did

Mr Mckenzie Some short time after y Execution, Deed said, you saw what I have done for my Godson & Mrs Griffin, Dept replied no: I did not read the Codicil. Deed said, he had given £1000 to his Godsons Mrs E.G. that she may never want. 17 Sep: Wm Barwell went to visit Deed, who said, do you know what I have done for your Son? On our 2d Contradictory allon, we prove a Conversation on Business with Sir Wm Stephenson, Ld Mayor in y presence of Mrs Susannah Bateman: Sir Wm says he went to his House in Red Lyon Square

about a Note given by Mrs Batemans Husband, Dept asked him to forgive the Note, Deed said not she had trifled with him & he had given Wm Barwell orders to sue her; Mrs Bateman is examined, who proves Deed writing an Order; & another Person who did Business for the Deed proves his signing a debenture on the 10th of October, & that the Respondt at Deeds request & guided his hand in making only the 2 last letters of his Surname

Dr Marriott . . We prove the Deeds Incapacity, previous, at the time of, & subsequent to this Transaction - Mr Glover the Apothecary attended Deed 2 Months before his death - Mr Arnold the Surgeon was in Deeds house 2 days, & within a few hours of the time when he executed the Paper; Mrs Brown, a lady, who lives in the Neighbourhood, Davis the Testators Bachman who lived with him 14 Years & sat up with Deed every Night, particularly on the 13 Sept: the Day the 2d Codicil was executed; Peter Burnell his Gardiner, the great Assiduity & Attention of Mrs G. the Omission in not exhibiting the sd: mentioned as drawn the Year before, or that brought in by Mr Griffin wch she referred to when she said Deed had promised her £1000 - the Exchequer Debenture is not exhibited - the Codicil now propounded was in Gos: Bs Custody. the Deed 80. superannuated, Childish, always more or less confused when the Widenes is read, we hope there will appear such Contradictions in their Widnesses as to induce the Ct to pronounce agt the Validity of the 2d Codicil

Wm Barwell deposes that about Sep: 14. afternoon 1762. he went to see Deed & asked him how he did? Deed replyd very bad; that Mr Langley & another Surgeon had told him he had a dropsy in his Stomach - Deed of his own Accord directed Dept to write the Codicil pleaded in this Cause, that immediately after Dinner he wrote it, altering only his Sons Name; that Mr Mckenzie who had been fetched by Miss Howard, came with her into the Room - Wm Pearson read the Codicil thrice over audibly & distinctly to the Deed who approved thereof - In Edmonds being there, came in; Deed in the presence of Deponent: El: Griffin, Miss Howard, Mr Mckenzie, Wm Pearson & In Edmonds, acknowledged to be his Act & Deed, had before signed the same in the presence of Dept E.G. & A.H. but cant say wh: M. P. & E. were then present, but that they did subscribe their Names severally to the Codicil, in the presence & at y request of the Deed & in y presence of each other & that at & during the whole of the Transaction Deed was capable, but after Dinner when the Deed had drank 4 or 5 Glasses of Wine, he appeared more confused, but determined to go thro, with what he had begun, Dept knows the Codicil to be the same by his hand writing - to 8 Int: Deed was sometimes confused in his Head, but was not for several Months before his Death of insane Mind, knows Deed was not soon y 14th Sept: nor has ever declared as much - to 9 Int. Deed gave him Directions for 3 Cods to his Will, all by word of Mouth, except the Paper given by E.G. the Instructions for the first was Red Lyon Square at wch nobody was present. "Gud have you make a Codicil to my Will & let the see how you wd dispose of my Estate; Pearson to 11 & 12 Int. Dept drew the 2 Codicils between 4 & 5 in the Afternoon dont remember Deed said or declared any thing farther, before the Execution, cant say who was present. E.G. was not Respts desired her to take the Codicil into her Custody for Safety, but she refused, he does not know why - it was read over by Mr Mckenzie -

Wm Pearson Servant to the Deed. deposes to the Deeds great regard for Mr Rd Barwell - Deed on July y 8th. cd not be persuaded he was in his own house - wd say he had a great many little black Devils about him - from July 9. to his Death, was quite superannuated as to his Body & Mind - was a good deal under the Influence of E.G who lived with him, & cd in a great measure, make him do what she liked - cant say wh: Deed signed the Codicil, or wh: Wmts. guided his hand, nor wh: Deed had any Wine given him, deed did not in Depts hearing publish or declare the Paper, as a Codicil to his last Will, nor did sem to have the least knowledge; that the Paper then laid before him was a Codicil & Deed appeard quite