Pronounce agt the Will of June 62. you must also pronounce agt that of 1760, what will be the Consequence? why, she must be declared to have died intestate, by pronouncing for an Intestacy you defeat Mrs P. Intention, & the avowed purpose of this Trust, i.e. to keep the Estate out of her Husbands power: the Trust then, being thus defeated, by their Opposition, the Ground of their Opposition to this Will fails: the Court can no more try this Point, than it can hear a Legatee on the Validity of a Legacy. I have hitherto gone on the Supposition of the Trust not having been complied with; there might be, & probably was, some Directions given, by Mrs P. to Mrs G. they were private, & cannot be known; & it does not appear from P's Letter, bearing even date with his Will, that Mrs G. has fallen short of P's Intention; he appears to have been careful that his Niece's Husband shd not have the Disposal of his fortune; but there was a Contingency wch he dont seem to have provided for, any more than Mrs G. in her first Will of 1760, from wch we are to judge, that, tho, she ed not leave it away from her Daur, yet Mrs P. laid no sort of restraint on her, after her death, if she died intestate, Mr S. must be Admor of his Wife; in the Will of 1760. Mrs G. leaves the fortune to her daur & Children, & at her death, to be disposed of by Will; but in case she shd omit to make a Disposition by Deed or Will, there is no Clause added, wch can prevent her Husband possessing himself of her whole fortune on her death. Mr P. was very inveterate agt Mr S. was particularly carefull not to benefit him, & ed have no other reason to create any Trust at all, except, to exclude him: our Will therefore seems more conformeable to P's Intention; he had rather it shd go to any body than Mr S. at least he was indifferent whether his fortune went to Mr Wood, or to whom it went after his Niece's death, & had rather leave it to be disposed of by his Sister in Law, than by his Niece: it is difficult to ascertain what was intended by this Trust, & wh: all the Secret Conditions have not been complied with. This Ct has only to consider the Will, on the same footing, as other Wills, as the act of the Deed: I must observe too that a Trust is to be set up, agt Mr P's declaration of appointing none; for in the letter exhibited he says: "I will not flatter you with any Trust or Co-Executor:" to be sure from the Tenor of this very, odd, inexplicable Letter, there were some directions, given to Mrs G. what they were, does not appear, the Ct will presume, she had done all that was enjoined: if we attend to the Evidence of there being frequent Disputes, between the Deed & Mrs S. very possibly the latter might have looked upon her Mother, as an Usurper, even during her life; but that proves nothing: to satisfy her daur, she might lay Mrs's Will & Letter before Mr Forrester, the Trust stands entirely on them, for Mr F's Opinion is only collected out of them, for a particular purpose, but they were not laid before him, to say what sort of Powers she had, under that Trust, nor does any Presumption arise, out of the Words of the Letter, that she ed not dispose of a Shilling, without her daurs leave, especially in case of her death: & con: it appears most likely, from the Words of the Letter, that Mr P. intended to benefit Mrs Strode, only jointly with her Mother; he expresses an Affection for both equally, saying, "from the great regard I have for you, your dear daur; saying," from whatever Mr F. grounded his Opinion on, is what how materially he might think every Parent a Trustee for his Children; the Will of 1760 was in consequence of his Opinion, it was for Mrs St: benefit: the same design has been pursued in our Will. She therein leaves

every thing to her daur, her Issue, no matter who has the fortune, after their death; a Person suffering that another said so, or so, is no Evidence; Declarations cant be looked upon, as permanently they refer to no Act done; the Deeds Declarations cant be allowed any weight; unless the Motive can be ascertained, from whence they arose; what the Trust is, the Gentlemen must say, they are on the affirmative Side. There are Sorts of Trusts, express, implied; the former, this cant be, either by Mrs P. Letter, or Will of 1756, or by his confirmatory Will of 1748. At most it can only be the Letter; the Ct will look on it as a Trust, laid upon the Conscience; every thing will be supposed to be done, agreeable to the Charge, & our Will is most conformable to the Intention. Its Validity rests on the 2 Points, of Capacity in the Deed, & Imposition in Mr Wood. I need not take up much of your time, to shew, she was capable, & free Agent; the Papers are bulky, the Matter lies in a small Compass; it must relate to the Means used antecedent to the making, & executing the Will, the Capacity of the Deed, & what passed at the very Juncture, for nothing subsequent can apply, except as it may refer to what preceded. The Ct will consider what preceded; it is the Doctrine not Law.... that Instructions shd lead the Execution; of this you have full Evidence; Sparkes, who drew the Will, is as full as can be; that for Wood brought Instructions in writing to him from the Deed in May; that he made a Draught from them, wch she returned to him, in June; that she made a Draught from them, wch she returned to him." In the 2d Examon, he says, "Wood called on him ten times about them." In the 2d is a Will prepared with great Deliberation: It may perhaps be said, they did not come from the Deed; the Ansr to the Instructions were in her Hand; by executing a Will of the same tenor, purport, she recognized the Instructions. It appears, he carried the Draft; that they were read over by him, the Deed & Mr Wood, together, to compare them; that when he made any Mistake in the reading over, Deed corrected him: he speaks also clearly to her Sanity & Knowledge of the Contents, to her executing it, the Duplicates, with all the usual Solemnities. Sarah Bowman's depon, goes to the Recognition both of the Instructions & the Will; She says, Deed told her in July 1762, she was much easier now, she had made her Will. There was no Interval between the reading over & the Execution, so there was no room for a Surreptitious Will being put on her; it was not huddled up, as suspicious Wills always are: One of the subscribing Ws Prestage was asked by, Deed, some time before, to be a W. to her Will; she told him the Motive; he agreed to be a W. & she accordingly sent to him; he ed not go when he rec'd the Message, but he went a few days after, when she appointed him; all Suspicion of Irony is taken off. 2 of the Ws depose to a very remarkable Expression, she used, for after the Execution, she says to them, "do you think I am in my Senses?" they seemed surprized at the Q. & asked her, why She asked? she replyes, because they say, I am mad; referring to be sure to Mr Eyres telling her, she was fit for a mad house: these Circumstances defeat all possibility of supposing any Art used before the Execution. 2 Ws now, & the other W. who speak to the General Capacity, will go far enough, to establish Custody in Mr Wood, & Incapacity in the Deed? they have only 3 Ws who speak to the Point, & they doubtfully, for they qualify, her being easily imposed upon, by what is no Impeachment of her Capacity, & destroy the force of what they depose, to prove: Isabel Haslom is inconsistent: for she says, Deed was peevish, difficult to please, latterly, & had declared she was beset by a parcel of Villains; the very Circumstance of her being so peevish, made her much less liable to be imposed on; & it is not likely she shd let Persons odious to her, impose on her: she wd certainly be on her Guard agt them: where a W. varies from the main point how can she be credible? H. Davis says, she was easily imposed on by Persons, who had a great Ascendency over her: this supposes the very point in question; Eyre says, she appeared capable, otherwise than, as artfully designing Persons might lay deep Schemes for that purpose: this is very nearly the same as the others have deposed: nobody is to be imposed on by Fools: they speak to Incapacity by halves: what great Ascendancy can Wood have had over the Deed, when she refused to lend him 200 Deeds subsequent Declarations... the Ws say Deed was invited to Parsons Green by Wood; this can be called inveigling, as the Dr stated in the Opening; she