afterwards accepted the offer, for the sake of the air, finding her health improve there, she prolonged her Stay beyond the time she first intended, continued at P.G. a good while, after her daur (who accompanied her thither,) left her; Wood himself was seldom there; upon her comeing to Town, she went to Mr Cornforths, because her daur wd not live with her, tho, she offerd to take a House where she liked, but the Daur wd not quit Mr Lyre; how do they endeavour to make out a Custody there, why, by the preventing Persons from breaking in improperly, unseasonably upon this Old Lady, who lay in a languishing State a few days before her Death; & is every Footman or Beaker of a Message, necessarily to be admitted to see the Person he is sent to with it? This pretended Custody, wd not affect our Will, it is long after the Date of it; but tho, this subsequent Custody cannot refer back, yet there is a very good reason to be given, for refuseing to let the daur go up immediately on her Entrance; she is proved to have been of a warm temper, might disturb this poor languishing old Woman; Woods Character is a very fair one, has never been in the least impeached, wd he then have risqued it by deserving such an Imputation as this? & for what? why, a Trifle, a meer remote Contingency. She has bequeathed about 14875 in present, to take place in case of her daurs death; so we may say, that Sum is to be given away; what great prospect then to Wood, a possibility of comeing into a few thousand Pounds, on the death of Mrs Strode, without Issue; the Ct will expect very good Proof of a Charge so odious as this – One Argument used, is, that the daur was not consulted; you see, by the Evidence, Sir, she was very apt to fly out, so that her mother might be desirous of concealing the Contents of this Will from her, for, if told, she was not to have the whole, she wd have been quite furious: She did shew her Affection, she consulted her Interest materially, in not leaving it absolutely in her Power; for we all know how many ways there are, for Husbands to get out of their Wives hands, even what is secured to their separate use – It has been said this Will is artfully drawn: that there is a Presumption agt its being the Deeds own Act, from the Animosity she had expressed agt 2 of the Persons she has appointed Legatees; & that this is shewn by the Papers pleaded & exhibited by us: But you will observe, this Will is prior to the Date of the Papers; she might not think it material to alter it, she might have so far forgiven them: she wd not employ Mr Innes, the Motives are good, she was angry with him, she might be pleased: but whatever was her reason for giving these Legacies, or for not striking them out afterwards, it can be none agt the Will itself unless there was some unfairness in the Will – Another Instance of Art, given by Dr Harris, was, that these numerous Legacies, were, many of them, given, to prevent those Legatees from being Witnesses; but how does it appear these Persons were better qualified to be so, than the others; they were not present at the Execution; they cd know nothing of the Transaction: it was not worth while to sacrifice 2000 for so idle a purpose; Great stress has been laid on the Exhibit Jeanne not de the Date of this Note is Novr 23. 1762 subsequent to that of the Will; we cd therefore rather insist on it as a Recognition, tho, urged to shew, she did not understand the Contents of the Will, & that it was not her own Act; it may certainly imply, she had not wronged her; she had left her every thing, what wrong then can she be said to have done her – I submit to you Sir, the Consideration of Trust or no Trust, is not before you; that if it was cognizable here there is not sufficient Evidence, to shew what it was, & that it has not been fullfilled; the Exhibit shews, it was material.

to the Daur, that the Estate shd be secured, out of her own Power: as to the Points of Incapacity & Custody, they have entirely failed in the proof of either, therefore I hope you will pronounce for the Validity of this Will

Dr Wynn

I am also Council for the Excors in the Will of Mrs Eliz: Gough dated 5 June 1762. wherein they are opposed by Mrs S. N.S. who besides her Interest as daur of the Decd, has propounded a Will of 1760. as a Legatee. I will say the Witnesses go as far as possible to prove the fairness of the Will propounded by the Excors. It is in Evidence, she had previously made a Declaration to Mr Prestage, that her daur had used her ill; Sparke proves that some part of the Instructions, were in Decds own hand writing: he was a Stranger to the Decd; it will then be asked perhaps how he Mrs Gs hand writing, why, by Woods bringing a Copy of the former Will, in the Decds hand writing; she told Pearson the purpose of sending for him, was, to be a subscribing Witness to this Will; after the Execution, she surprized him with the Question, of, Do you think, I am in my Senses? the Ct wd also have been surprized too at her reason, for asking that Question, unless it had been for Mr Lyre's former Speech to her Dowager, I think the fittest place for you wd be a mad house!! they prove the Sanity & the Intention to make a new Will; & there is not the least Suspicion of undue Prejudice in these Testamentary Witnesses – The first Objection they go on, is the great Affection of Mr Paris for Mrs Strode, we admit it, they must allow us, as the Papers too, shew, that he had the same, for the mother; he speaks of a Partner in the Donation, he uses the Words, "you & Yours": there does not appear a greater Regard for the daur than for the mother: the Dut. is wh. the Will of June 5. 1762. is the act of the Decd, that day; wh. she had a Capacity & did execute it: this is the only Dut. for wh. it was a Trust or not, is not matter of Inquiry here, it lies, before another Ct – the Gentlemen shd have been aware that the Will of 1760 was not made by Mrs G. merely for her daur, but from Mr Forrester's Opinion, he says she was a Trustee, & had enclosed her a Will conformable thereto as she had directed him: very probably, she made no Secret of Mr Paris's Letter, or of Mr Forresters Opinion grounded on it; there is no time of the Declaration specified, it might have been made immediately after the Opinion, & the Will drawn in consequence of it – She then lived in her own house; in talking of Mr Ps affairs, there used to be high Words, between her & her daur, who wished her mother had not been Trustee, very likely from some doubts expressed by Mrs G. wh. she was so, or not; nay Mrs S. might not be satisfied of it herself, & very possibly, Mrs G. might in consequence of these disputes, resolve to go to some other Council, to know wh. she was such a mere Trustee; & that Council might not be of Mr Fs Opinion, for Council, as well as, Doctors will differ – However we are not to go on Probabilities & Conjectures – tho, she had been long ill, so bad, as to be in danger of dyeing her daur wd not take her a Country Lodgeing; there was nothing particular in her going to Mr Woods, at P.G. other People had lodged there; Mr W. an old Acquaintance offered her his house not particular, that he should offer, without any view: It is no matter what sort of House this was, so that all the Evidence pro & con is quite out of the Dut. but it seems to have been a small neat house; Mrs S. wanted her mother to leave it; she refused, an absolute Quarrel ensued; their Ws prove a general Disagreement, the particular Cause is proved by Eliz Beane who lived with Mr W. she deposes to a most harsh unduty full Expression of Mrs S. viz. Sacer say (?) to her Mother, she shd never be at rest, till she had seen the last of her; Decd burst into Tears, & said she was very sorry to hear such an Expression from a Child who came from her own Body; the Impression made by the Expression was very natural, the Occasion of it, was the Connection between