are next of kin to me, their Heirs, Exors, & Admors, to be equally divided between them? If does not appear the Deceds Intentions were toword it, in that manner. 2d Did the Deced understand the Words mentioned to him by H. The next day Smith asked Deced if he wd have H. fill up the Disposition, he answered "yes." Smith had told the Deced before, that his Relations wd have the whole, if he made no Will. H. swears, he read over the Clause, disposing of the Residue, to the Deced, asked him if he approved it, thought Deced said "yes" but being thick of hearing, he enquired of Mrs ..... what the Deced said, who replyd, "yes" also - The Interlineations in the Instructions, must be struck out; upon this Evidence, it is better to establish the Will - Garnet v Sellers There were no Instructions taken from the Mans mouth, the writer said he wd return the next morning, but ongoing home wrote them down. Where he went the next day, the Man was dead; tho, these Instructions revoked an executed Will, & were not wrote down to him or read over to him, as soon as the Decd spoke them, or in his presence, yet as they were committed to writing in the Deceds Life time, D Tesworth pronounced in favor of the Instructions, & his Sentence was confirmed by the Delegates, they having first struck out a Trust inserted by the Writer, who accounted for his doing it...

Prerogative
3d Session

Lewis ..... No 109 ..... agt ... Lewis, in y Goods of Henry Wm Lewis, decd

Alexander ... Dr Harris ..... Dr Wynne ..... H Stevens Jun?

Dr Harris .... Opened his Case, & moved that Mrs Lewis might be condemned in separate Costs, on account of her Omission in the Inventary, wch she confesses in her Answers

Dr Wynne .... This is a Cause of Distribution; Henry Wm Lewis, died intestate, leaving Alice Lewis his Widow, (who took Admon) but no Children, Henry Lewis the father, has sued the Widow & Admx to exhibit an Inventary & Account on Oath & see Portions allotted:
1 Sess. 27. The Citation was returnd - 2d S. an Appearance was given for Mrs L. & she was assigned to exhibit an Inventary & Accot on Oath 4 S. Mrs Ls Proctor brought in the Inventary & Account & alledgd the Contents to be true, the Allon was admitted, & H Ls Answers decreed, & Mrs L. was assigned to bring in her Vouchers. Sep: 3. The Vouchers were brought in, M. C. Mrs L. gave his Answers & confessed the Inventary & Accot to be true save that he is informed, there was money in y Decds House at his death, omitted, & asserted he gave an Allon 3 Sess M T. The Allon was admitted pleading the abovementiond Information, & Mrs L. in her Answers says there was not above 40 in the House, & that by her Husbands directions, she was obliged to change a 20 Note to pay Physicians &c that there did not remain more than 10 at his death, including the Note, the Whole of wch, or more, was afterwards expended in the Decds family, therefore she ought not to be charged therewith; that the Plt dined with her every day, for a month after the Decds death. These Answers are not contradicted — The Intestate was a Freeman of London, & Mrs L claims all Benefit in the distribution of his personal Estate, accruing to her, as a Freemans Widow

The Charge in the Inventary & Account	847	4	1½
Receipts since	22	2	8½
	869	6	10
amount of the Discharge, as by the Account	113		7
Nett distributeable Share	776	3	3

Of This, Mrs L. says, she is entitled to ½ as a Freemans Widow, under the Custom of London; to half the other Moiety, under

1 Wch? a Freeman of London's Widow shall have her Chamber Furniture or that Sum in Lieu thereof?
2 Shall She charge herself with y Sum mentiond?

the Statute of Distributions, & to her Widows Chamber. I move a Distribution accordingly, & that a certain Sum may be allotted the Widow, for her Chamber, & then Portions allotted of the Remainder, according to the Custom of the City, & the Statute of Distributions.

Dr Andrew in an Opinion says Act is a grand Allow of the Widows Chamber.

Dr Harris .... The Widow in her Answers, confesses the Omission in the Inventary. If She expects any Items shd be allowed, She shd exhibit y Voucher. It now stands merely on her Assertion, on Oath; but the Oath of an Exor, is not accepted for more than 40 - I cannot find any thing to shew what the Customary Composition is for the Widows Chamber. I dont know what the Dr claims, but I understand, it is 1/10th part of the whole before distribution....

Dr Wynne .... The Oath of the Party must be taken, where it stands uncontradicted; there cant be a certain Sum, for the Furniture of the Widows Chamber, which is in its nature uncertain; therefore we must leave the Allotment to the discretion of the Court.....

Dr Hay? Judge? ..... This Application appears to me, to be very frivolous, ungenerous on the part of the Father, who was entertained by the Widow, a whole Month after her Husbands death; She says there was not above 40 in the House, that her Husband ordered to change a 20 Note, of wch only 10 remained - I dont know, I can say she is not accountable, for what was in her hands at her Husbands death, but de minimis non curat Lex; She must add the 10 to the Inventary, wch she admits to have been in her hands after Husbands death; as to the Costs, they must go out of the Estate; there is no Pretence for any to be given against her. By the Civil Law the Jus Relictæ was favored highly; So with us is the Custom of London; as to the Widows Chamber, the Value must vary according to the Circumstances of the Party - I decree a distribution of 3/4 to the Widow, & her Chamber, the value whereof must be settled by them, for I know of no determination, what that Valuation is; the Widow must charge herself with the 10 omitted in the Inventary....

No 110

Bog ... Compton .... v. .. Bearcroft. ... Major

Dr Harris. Wynne. Burrell ... Dr Calvert.

& whether the Libel shall be admitted, as laid.

Dr Harris .... When we began, last Summer a Cause of Jactitation, the Court threw out a Hint, that such a manner of proceeding, might possibly not answer the End proposed, we therefore, who are Council for Mrs Compton, after a Consultation, were unanimously of Opinion, to drop the Cause of Jactitation, & to institute a Suit of Nullity of Marriage: a Citation has accordingly been taken out & Served upon Mr Bearcroft & we are now before the Court upon the Admission of the Libel.
Art. 1. pleads the Clause of the Act of Parlt 25 Geo. 2. declaring all Marriages void, solemnized in any other Place, than a Church or Publick Chapel, unless by a special Licence, or solemnized without publication of Banns, or Licence.
Art. 2. That Maria Catherine Compton was a Minor on y 13th of March 1760, aged 19 or thereabouts, & under 21, & was born at Hartpury in Gloucestershire about March 1740.
Art. 3. An Extract from the Register of Baptisms of y Parish of Hartpury aforesd - & the Identity of M. C. Compton & Sir Wm Compton her Father.
Art. 4. Sir Wm Comptons death in 1754, & his Appointment by Will of Dame Sarah Compton, Sr Dalby, & Jn Reeves Esq: Exors & Guardians of his Children - That Dame Sarah alone proved the Will in 1759
Art. 5. An Exhibit No 2. containing a true Copy of a Clause of Sir Wm Comptons last Will (remaining in y Registry of y Prerogative Ct) under the Hands of y Deputy Registrars - also the Identity of Sir Wm Compton..

No. where Banns have been usually published.