Character, to whose Depsn on Oath no Credit ought to be given; that he has since declared to several credible Persons, that he cancelled y Will of Sep.r 21. after the Decd's death; these Declarations, he in his Depsns he denies to have made –

Dr Harris allowd Dr Wynns State of the Case to be right – Glover swears, that on observing the Decd the Impropriety of 2 Wills standing at the same time, Decd bid him cancel the latter Will, for the Legacies were not to his mind; This latter Will was, as it were, in abeyance; Glover says he tore off Decd's name in his presence, & that afterwards he tore off the Witnesses names, when he was at home; he might think, he had not complyd with the Decd's Directions; but it was a sufficient full Cancellation – They plead a general bad Character, by which, we are shut out from justifying ourselves, as we might, if particular Facts had been charged; whether Glover made the Declaration above mentioned is immaterial –

Judge Dr Hay – I conceive it is improper to plead particular facts, unless they lead directly to the Cause, or unless attended with some extraordinary Circumstances – A General Objection is the best – When a principal Witness on Interrog.s answers to a fact relating to himself, it will go in some measure to impeach him; How it will be observed on hereafter, is another Consideration; I will not preclude Parties from objecting; tho, the Charge is not absolutely conclusive, it will go a good way towards impeaching the Character of the Witness –

Allon admitted

Q Sanity Imposition

Prerogative 2, 3 Sep. 27.

Altham No 117 Woodward v Sanders Bishop

Dr Harris & Burrell Dr Marriot & Wynn

Dr Harris... In this Case Ann Ward, is the Decd, She was an old Woman, who had been supported by Charity, but had received none from any other Relations except her Sister Sarah Quartier, who allowd her 10 or 12 £ a year, which she withdrew about 12 months before her Death, & left the Decd entirely destitute – Decr 17. 1764 Mrs Quartier died intestate; Feb. 20 1765. Mrs Ward died – Her Will is dated 16 Feb. 1765, on which Day, it is fully in proof, that Mr Woodward called on Hand, & desired him to go & make Decd's Will, that Mrs Ward gave Hand Instructions by word of mouth, wch he took down in writing, & afterwards burnt, having first drawn the Will, therefrom; that he read over the Will to the Decd in the presence of all the Subscribing Witnesses; that she approved, signed, sealed, & published it as her last Will, & that Henry Hand, Jn Hales, & Herbert Shaw, & Rd Coint attested the Execution – the 3 first Ws we examined, as also Mary Hales who was present at the Execution, &c. but was no Subscribing Witness; Rd Coint we did not examine, but they did, on Interrog.s & Mary Hales confirms Hand as to the Instructions, & the other Witnesses speak to reading over the Will to Decd, her approving & Executing it –

Rd Coint to 19 Int.s says Woodward met him in the Street & asked him to go & be a Ws to Mrs Wards Will, that he was averse, but went, & heard Hand read over the Will audibly to Decd, & then ask her if she was contented? that she answerd in a low voice, she was; that Ministrant, (on hearing the Will read, that Woodward was made Exor) was about to leave the Room, but Hand saying his attestation was necessary, he signed his name thereto –

Mr Bishop gave an Allon for Sanders, pleading, the Decd to have been in distressed Circumstances, & the last year & half supported by Charity, & by what her Daur Mary Sanders & her Children c.a spare; that Woodward was a stranger to the Decd, & that the Will was obtained by fraud & Imposition –

This is in proof, her Daur nor any other Grand Children ever assisted her; except Sarah Sanders, who, Wm Sanders believes, sent Decd 5 £ 5 s. 3 d. November preceding her Death, but he believes neither his Mother, nor the rest of her Children sent her any thing –

Mary Knapp says, within 6 months of her Death, Decd with Tears complained to her, of the Unkindness of her Daur & Anne Sanders, one of her Grand Daurs, to y latter of whom she imputed her Sister Quartier's Unkindness; that Decd spoke with Disrespect of her Daur & her Children, who never made her any Presents after Quartier's Benefaction was withdrawn –

Jn Hales to 26 Int.s says, Decd, when pinched with Want, complained of her Daur...

Rich.d Gregg says, Decd once told him, with resentment, she believd her Child & Grandchildren, had set her Sister Quartier agst her...

Anne Barnet says, neither Mary Sanders nor her Children were ever known to make Presents to or assist the Decd –

This is in proof that Decd knew Woodward many years; that he had been kind to her; that she consulted him on Emergencies, & had latterly a great Confidence in him; & prepsd him to go to Ireland to take care of her Affairs, on her Sister Quartiers death –

Eliz. Rowley to 23 Interr.s Tho, the Writer of the Will had not rec.d the names of the Daur & Wm Sanders, he might learn it from Woodward, who used to read Decd's Letters, to her, from her Daur & Grandchildren –

..... Decd told her she used often to dine with Woodward before her Sister Quartiers death –

Mary Pocket, in chief, says, She heard Decd express her Regard to Woodward for asking her to dine with him –

Mrs Knapp. Hale & Barnet, agree that Decd press.d Woodward to go to Ireland...

There is a Letter from Anne Sanders to Brown, about Mrs Qs death, wherein she desires her Duty to her Grandmother, this is dated Sep. 17. yet this very Anne Sanders 2 or 3 Days after took Admon to Mrs Q. as Niece & next of Kin, tho, she knew her Grand mother was living –

There are several Acts of Anne Ward, previous & subsequent to the making the Will, which shew her Capacity –

12 Feb. 1765. The Decd was able to sign an Authority to Hand, to procure her a Commission to administer to her Sister –

Hannah Parsons (who was Servant to Woodward) says, that on the Sat.y morn.g before Decd's death, she went to her Lodgings to take away a Plate, (wch she had carried her some Veal from her Master y Day before,) that Decd bid her, desire her Master to come to her directly – On the Morning the Will was made, Decd desired her to fetch her Master –

Mary Knapp. adds, Decd bid her send Woodward to her, if she met him –

There are several Recognitions subseq.t to the Execution –

Rev.d Mr Smith & Herbert Shaw the Pch Clerk – agree, that the Monday after the Will was made, they were sent for to pray by her; Decd, asked Smith, if he knew her; he said no: she answerd if you dont, your Wife does, I am of the Wingfield Family

Mary Pocket says, The Saturday Ev.g the Will was made, she found Decd in Bed, who said, She had made her Will, & remembered her in it – Decd then paid her 8 s she owed her, & gave her 10 s. 6 d to bring her Gown out of Pawn –

Mary Knapp. says – On Monday Feb. y 18. Decd in Conversation with her, declared, she had settled her affairs – She was then of sound Mind &c –

Mary Hales, says, a day or two after the Will was made, she told Decd, Mr Bradley, was angry she had made her Will; that Decd answerd, Who would you have me leave it to, but those who supported me, I wont Alter it –

as to Bishop's Allon to affect Mr Woodwards Character, he has failed in the proof of it; None of the Witnesses say Ws use any bad means to obtain a Will – Ws Support arose from Houses he was possesd of – But his Character is not very material, if Decd knew what she did, & had a Regard for Wood ward –

Dr Marriot... This is a Case, wherein Mr Woodward, by attending to the Age, Weakness of Judgement, Poverty, & Views of the Decd, has imposed upon her, & induced her to make a Will in his favor, to the utter disinherison of her only Daur & Grand Children, who had never offended her – The Question is not whether the Decd had a Capacity, but wh.r at the time of making this Will, that Capacity was adequate to the Solemnity of the Act of making her Will; In Cases of this Nature, you will take every Circumstance into your Consideration, & give it, its due weight – You will observe, the Will was made, Feb. 16. & Mrs Ward died Feb. 20. 1765. in a very advanced Age; this transaction being so near the time of her death strengthens the Evidence of her Incapacity –