N.B. Smith to 22 Ht. says: thes.....

Clerk says, when Smith asked him, at the pch Church, (whither he went after attending the Deed) who she was, he answered, "this is old Woman, that there is a Dispute between Mr Woodward & some other People about a Will. Mrs Ward has made" – She are many Recognitions, that she knew the very Contents; She tells Pocket she has given her a Guinea; she sends to pay her Debts; – It is objected, that she left Legacys to the several Children of Mr Sanders, who did not exist; he might have had Children if he had not; but this is not in Evidence: It does not appear to you that the Old Woman knew he had no Children; She knew he had been married 2 years ½ & if he had been a pains taking man, in that time he might have had 3 Children: her Instructions might be, "to Sanders Children, if he has any." those Words might escape Ward in the Writing – If a man errs in 2 or 3 things, he may in more, & tho I do not say the Ld shd reject, yet it shd relieve his Evidence with Caution; She does not pay her Daur by, entirely, but leaves her 100l – The Execution, is so strong, as to be insurmountable; it is not in the power, of a supposed Insanity, to shake it –

Dr Burrell – I am Council likewise in behalf of Mr Woodward. sole Exor in the last Will of Mrs Anne Ward decd, who is opposed by Mary Sanders, only Daur of the decd, the single Person entitled to Distribution in case of an Intestacy; This Opposition is founded on a Charge of Drunkenness & Incapacity agt her Mother, & of Fraud, Custody & Imposition agt my Client; tho' as this Charge is, it is so ill supported by Evidence, that I think there can remain little difficulty with the Court, how to frame its Opinion – The Truth is simply this; the decd was a woman, far advanced in years, & very necessitous in her Circumstances; after her Husband's Death, she was scarce able to provide for her Support, & was assisted by a small annual Bounty of 10l. from her Sister Quartier, who was the only Relation she had, that contributed to relieve her in her Distress; Dr this Benevolence was withdrawn, about a year & half before Mrs Ward's Death, without any reason assigned; after which, her Poverty & Distress was so extreme, that she was indebted to the Charity of her Neighbors, for a miserable Support; in this melancholly Situation, She never experienced the least Assistance, from her Daur & Grandchildren, but was treated by them, with utter Neglect; it may naturally be supposed, this unnatural Behavior, raised in her Mind, the strongest Ideas of Anger & Resentment; it is in Evidence, that she frequently expressed her displeasure, at their desertion of her, to different Persons; said with Tears in her Eyes, their Unduty full Behavior wd break her Heart, & imputed her Sister Quartier's withdrawing her Annual Bounty, to the Advice of her Grand daur Anne Sanders – at the very time, that her Relations forbore their Assistance, She owed her Daily Bread, to the Compassion of Strangers, amongst whom you are told Woodward bore a principal Share; it was not therefore extraordinary, that the Disregard of her Family, should produce abhorrence in the Decd, or the kind Interposition of Neighbors be attended with the utmost regard & Esteem; But it will be said, this seeming Disregard of the decd's Daur & Lgr Children, was occasioned by an utter Inability in them, to contribute to her Relief, that her daur had a numerous Family, who had scarce wherewith to support themselves, & therefore they cannot reasonably be blamed for attending to the first Dictate of Nature, Self Preservation; I will for argument sake, suppose this to be true; Yet as the Reasons of their withholding their Relief, was unknown to the Decd, & as she imagined it proceeded, from want of Affection, not of Abilities, Her act, in consequence of that Idea, is founded in reason & Common Sense; She was unwilling at her death to bequeath her whole fortune to those, from whom she had not experienced the Kindness & Assistance she had a right to expect. The Witnesses of the other Side, have endeavoured to prove, the Decd had a great Regard for her Daur & Lgr Children, & Rebecca Gould, & Liz Sanders speak to a general Affection; Roger Bowley carry that Affection up to within 6 Mths of her Death, but they do not

contradict our assertion; that she expressed her Displeasure at their neglect of her. But the Plea of Inability, may be reasonably doubted, when you recollect Mrs Sanders Ltr to his Gr Mother dated Sept 18. 1762 – wherein he says, "have lately married a very agreable & fine Lady, & hope my Undertakings will be agreeable to my Friends; I some time ago supped with my Sister; I am now a Housekeeper &c. Do these Expressions indicate extreme Indigence on the part of the Writer? do they not intimate the contrary? & may it not be reasonably inferred, that the Sister was a Housekeeper too? It is said, Woodward was unacquainted with the Decd; that he never contributed to her Support till after Ms Death was known, & a Report prevailed in Worcester, of her having died intestate, & possessed of a Considerable Fortune, which wd come to Mrs Ward; that therefore, however great her Resentment agt her Relations might be, W. Ex. not be the Object of her Affection – To confute this, Jured only remind the Court, of what the Ws say on this head; Pocket says, Decd expressed a great Regard for W. & owned herself obliged to him for frequently asking her to dine with him – Knapp says, whilst Decd lived with her, (wch was 45 months) she went several times to W. for Advice – Mr Hales, says, the Decd informed her, before Mrs Ms death, that she frequently went to Ws house, & often dined there, & was welcome to any thing his house cd afford – Ann Barnet says W. was well acquainted with Decd & her Husb, 18 years ago being near Neighbors; that Decd since her Husbds death, (12 years ago) went several times to W. – The Ws on the Other Side, depose merely to their own Ignorance of that Point – With respect to Decd being fond of drinking, so as to be intoxicated, several of the Opponents Ws affirm, but none of these pretend to have seen her on the 16 of Feb. the day the Will was executed; & con: Mr Hales, Gregg & Pocket & Knapp, (who had all been acquainted with her, several Years before her Death,) swear positively to her general Sobriety; that she was so on the day of executing the Will, & that W. never supplyd her with strong Liquors, or encouraged her to Drink – The Charge of Imposition, vanishes of itself; there not being a single Ws of either Side, who pretends to charge W. therewith; several indeed are ready enough to give their Opinions, but none to shew the Grounds on which they form their Belief – The Proceedings of Mrs S: the Lgr daur, on her Aunt Ms death, shew Mrs Wards Suspicions of her Conduct were founded in reason; she writes an artfull letter to Mrs Brown, to inform her of Mrs M. being burnt, & that every thing belong: to her was destroyd; & desires her Duty to her Gr mother: a sufficient Proof of her supposing Mrs Ward alive, & yet the very next Step she takes, is to apply for Admon to Mrs M. as Niece & next of Kin, which she readily swears, tho. her mother & Gr mother were then both living; the Expression that "every thing was destroyd" wd induce one to believe, she thereby meant, to prevent the Old Woman, troubling herself about Mrs Ms Affairs, & she might thereby have an Opportunity of rising up with the money – The Kings Advocate objects Custody, & brought Oliver & Bradley to support it; who it seems, went to enquire for the Decd, at Knapp's 16 Feb. 63. & being told by some body, in the Shop, she was not fit to speak to, forbore going up; will this warrant the Inference of Custody? If they thought the Answer contrived, to prevent their seeing her, why did they not insist of Ocular Demonstration? they dont pretend they were forbid, but candidly suppose a fraud Intended, & therefore were unwilling to be convinced: Mr Olivers Account is very extraordinary; he says he waited on the Decd 11 Feb. when he thinks the Decd ought have a Capacity to take an Oath, or execute a Bond, as things of course; but not to make a will; surely this Gentleman's Idea of Oaths, is very singular; or his notion of Capacity very absurd: But it is urged, there is a Cause in the Will itself, which will operate strongly agt the Capacity of the Decd, viz any; there are 2 Ways for accounting for this; first his wife having 3 Children by a former Husband, which the Decd living at a great distance, from them might suppose to be his; 2dly that he had been married 2 years & might therefore be fairly presumed to have reaped the Fruits of Wedlock –