ostensible Proofs; the Witnesses are Legatees - Hand says he took Instructions by word of mouth, & wrote them down; on the Interrog. he says, he wrote them from written Instructions - He is a Proctor, & knows the use of Instructions; he burns them, that they may not rise up, in Judgement agt the Will - Great Attention was paid to her indigent circumstances; W. says, "Oh Madam you shall never want": Hand endeavours to account for the mistakes, but assigns a false Reason, such a one as cd not induce the Decd to act as she did; Every previous Step has been taken that cd hedge round this Will; Her great Resentment agt her Daur cd not be expressed, on account of the Annuity being withdrawn. This Poor Woman appears to have had such an affection, for her Daur & Gr: Children, as to send them Presents of Butter &c. out of her mite; Pocket says she was supported by her Friends & Relations; there might be many of these who contributed - But I will suppose Anne Sanders behaved ill; yet her Act, ought not to influence the Deed agt the rest of the Children; I am told it is customary in Eccl. to obtain Admon, without swearing oneself to be next of Kin to the Intestate - With respect to the Report, it is admitted W. spread it, every Person who propagates false Reports, has recourse to that idle Excuse, that he heard it; they first raise the Rumor that the Children were gone thro, Worcester for Ireland, without calling on the Decd, & then avail themselves of it - It must have been suggested that Anne Sanders did her a Prejudice, with her Sister &. else She wd not have said, "I cant think she wd do me that Prejudice!" The Clergyman does not say he had any Conversation with Decd about her Spiritual or temporal Affairs; as a Clergyman, he did his Duty, for which he was desired to come, & it required no great degree of Capacity in the old Woman to make her Responses. It is very extraordinary Shaw shd talk of a Dispute about the Will - I will not say, we prove Incapacity at every Instant; but we prove it at different Periods, so near the time, of this pretended Transaction, that great Suspicion must arise agt Capacity; She cd not recollect her Maiden name, wch is the last thing a Woman forgets. Approximate Instances, in some degree prove facts; Mr Bradley might have been [illegible] Mrs Rogers seeing such numbers of low People about the Decd, went in frequently, out of Charity, not Curiosity - When acquainted with the Calamity wch had befallen her Sister in Ireland, the Decd neither expressed sorrow, at the loss, or Resentment at the Treatment she had experienced from her; This Will is evidently made as a Security for a debt; Can a Will be commuted? Vid: 1st Cases of Fee & [illegible] Cragg & Leicester determined in the Delegates N.B. They were 1st Case of Seamens Wills: the Statute says, That Letters of Attorney, where Testamentary Clauses are inserted, shall be void - This dont extend to other Cases - All their Witnesses being Parties, What they depose in support of the Will is immaterial, what they say agt it, ought to operate .....

Dr Wynne - I am Council, with the Kings Advocate, in behalf of Mrs Anne Sanders, sole Daur & next of Kin of Anne Ward decd; this a Question that requires a strict discussion; the Words used in the Condidit are very strong; they are not mere words of form tho, too often considered so; the Court expects strong proof of the Testator, being of sound mind, memory & understanding; & that she was capable of making a will, to found its Sentence; where a Paper is offerd, wch carrys marks of Authenticity on the face of it; where it is duly attested, & all Solemn forms are complyd with, there the Presumption is in favor of the Will; but this differs accord. to the Circumstances of the Case; as where the Decd is a Person who transacts his own Affairs, is in perfect Health, where he has made a prious Will, the Court will presume every thing in its favor, & will expect to see the fraud with its own Eyes; where on the contrary, the Will is not of that description, where the Relations

live at a Distance from the Testator, who is in the Hands of Strangers, those favorable Presumptions are not to be; you will Sirs, those favorable Presumptions are not to be; you will I am sure, wish to give Sentence in favor of the Relations who have the best right to the Decds fortune, & if the Law will justify such a Sentence, public Justice seems to demand it - There are 2 Questions in this Case: 1st with respect to the Facts; wh: on consider: the Evidence, you can believe the Testator capable of doing the Act? 2dly. wh: if you believe the Evidence of the Facts, the Will is in point of Law, such a Disposition as will prevail? You will observe the Decd had no notice of the Calamity that had befallen her Sister; till Mrs Browns Lre of Dec: 17. Mr Brown sent for & read her Sister; till Mrs Browns Lre of Dec: 17. Mr Brown sent for & read her Lre to her; how did she behave? the News made not the least Impression on her; she was totally unconcerned, & it dont appear she mentioned it to any body, which confirms Browns Account, that she was insensible, & not capable of understanding any thing of the matter: It is no wonder Wm Sanders was unacquainted with her Residence, as she had no settled Habitation, but lodged at different Poor Persons Houses - Mrs Rogers seems to have acted from a motive of Humanity, & not to have interfered officiously; It has been said, She is a disappointed Person, but there is no foundation for that Surmise, nothing of that nature in Evidence, only a Hint from one of the Witnesses, who thought the Decd wd have considered her, if she had been in her Senses: - The Witnesses releasing their Interest, is a reasonable Cause of Suspicion; There is no Evidence the Decd ordered Hand to be employd, & it is very extraordinary, she shd first think of a Man, she had never seen? he is versed in the Craft & Mystery of Will making; a day or two after the Transaction he throws the Instructions into the Fire: this was very bad behavior in him; as gross a mistake as cd be committed; I have a right to suppose there was something on the Paper, which on recollection, this very able Man thought wd hurt him - The Execution was mechanical; no doubt it was audibly read over to the Decd, who was then asked, several times, is it for your mind? but no Wd speaks to any Answer that she made - Hand says the Decd was capable because she expressed a dislike of her Relations - It is impossible such a Catechism shd have passed, as Shaw relates, without it being taken notice of by the other Witnesses: they speak strongly to prove the facts, they are brought to support: this comes out on an Interrog: only; it wd have been pleaded, as well as the Recognition, if it had been spoken; It must be matter of doubt whether such Declarations passed or not - 2dly A Will, in Law, is supposed to be one of the most serious & deliberate Acts of the human mind; it shd be made with the greatest Solemnity & Circumspection: the Party shd know what she gives away; I do not mean every Trifle, but that she shd have a general Knowledge; & be free from Fear, undue Influence, or Favor; in the present Case several of the 1st Requisites are wanting; the Decd was destitute of every necessary; admitted out of Charity, where she lodged, or for some private Purpose: we have proved the Decds Affection to her Child, Gr: Children: that she sent them even the Cloaths off her Back; & when deprived of her Allowance, lamented she cd no longer send Presents to her Gr: Children; one of your Wn say, she cried with Joy, when she received a Lre from Anne Sanders, & did not believe, she cd do her any harm; these are the Parties disinherited, who is the Person benefitted? one who is an utter Stranger; they have not ventured to plead, that W. ever relieved her in his life; she was, (in all probability) terrified by Knapp saying, "I will have my debt secured to me?" The Woman was imposed on a word: to her own Idea; she made her Will in W favor on Consideration

x Shaw & Counte & Mr Wallis