Evidence; after Miss As Death, some unkind things having been said touching Mr Wards Conduct in obtaining the Will, his Intentions, tho: honest & just, not being publicly known, it lay so heavy on his Mind, that it caused his Death on the 9th of August he having repeatedly declared, neither he nor any of his family shd ever take, or enjoy one Shilling of what was left him by Miss As Will — Mr Ward made his Will, appointed his Brothers Neale, Thos: Ward, his Wife Catherine Exors, & his Wife, his Son James, his daur Catherine Resid: Leg: the Brothers renounced, & the Widow alone proved the Will: Mrs Ward & her Children in consequence of Mr Wards Declaration, were determined to have nothing to do with Miss As Affairs, nor to take any thing under her Will but offered themselves ready to do any Act, to establish it or not provided Miss As next of Kin, & the Legatees of Mrs Sanderson Will entered into Agreements, how Miss As Estate shd be divided, wh: the Will shd be established, or set aside — Miss As Father, Mother were repeatedly advertized in the London Gazette, & all the other News Papers, & every Step was used to find them, without effect; on this, the Grandfather presuming them dead, claimed as next of Kin; Mr Wards Council advised the Will to be brought before the Ct. The Caveat entered by her, was warned by Jn Ames. 31 July 1766 The Will was propounded, & an Allon given by Mrs Ward, in a subsequent Article of it, the Instructions were pleaded in supply of Proof, and they were pleaded to be of the Deeds hand writing: Geldard & Chapman the Subscribing Wts to the Will have been examined, & Eliz: Draper who prove the Instructions were of the Deeds hand writing. After these Wts were examined, before Publication, the Agreement proposed between the next of Kin & Legatees afd not being carried into Execution, things rested a little, & Mrs W. being very desirous they shd agree amongst themselves how the Estate shd be divided, if the Will was pronounced for. In November last Articles of Agreement were entd into between Jn Ames & the Legatees afd, reciting the principal parts of the afd Facts, & that if the Will of the said Eliz. Ames shd be declared valid by the Sp: Ct, it was understood that the sd Will was advised, & made to the Intent ye said Mr Ward might be a Trustee of ye Purchase money arising by the Sale of ye real Estate, for the said Legatees, & as to the residue of the personal Estate, for her Next of Kin: & the said Jn Ames did thereby agree, that the said Legatees shd receive in equal Portions, the Purchase money, arising by Sale of the said Premises; and the Legatees agreed, said Jn Ames shd have to his own use a particular part of the personal Estate of Mary Sanderson, subject to her Debts & Legacies; things thus settled, Publication passed, & the Cause stands for Sentence. Thus, the Event of this Cause is immaterial to Mr Ward, yet for the credit of the Family, & to avoid any Slur on the Characters of Messrs Geldard & Chapman, Gentn eminent in the Law, she wishes it may be established — Miss Ames Capacity at the time of giving Instructions & Execution is fully proved, & at the Time of her giving the Instructions, her directing a Legacy to be left Mrs Lucas clearly shews, she knew what she was about. Her not understanding the nature of a Will proceeded from the Tenderness of her Years, it is in proof she wished to be informed, in doing wch Mr Geldard took uncommon Pains, & when she knew what she was about, she appeard perfectly satisfied with it. The Will is of the same Tenure with the Instructions, except the 20 Legacy to Mr Lucas; had Miss A. died without executing ye Will, & leaving only ye Instructions, on an Affidavit of 2 Persons to her hand writing, the Office must have received ye same as her Will, & granted Probate in common form to Mr Ward, whose Motives for obtaining this Will cant be set forth to the Ct, as they are not in proof, but so far as it is Evidence about Mrs Sanderson Effects, the Ct may be informed . . . . . .

NB. None of this in Proof . . . .

NB not in Proof

Dr Harris . . . I am Council for Jn Ames the Grandfather the Promoter of this Suit against Mrs Ward, Exec: of Jn Ward Esq who was the pretended Exor, & Resid: Legatee of Miss Eliz. Ames decd. This Cause began by a Caveat entered by Mr Ward, for the Honor of her Husband: Stevens appeard for Ames, pragd Admon; & Mrs Ward pray Admon with the Will annexd. Miss Ames died a Minor under 14, leaving a Father, Mother since dead, Jn Ames her Grandfather, only next of Kin. 15 Augt 1763 Mrs S. by Will devised certain Estates to Eliz. Ames, if she lived till 21, else to be sold by her Exors, who were to give the Money to several Legatees, Mrs S. subsequent to the Will entered into an Agreement to sell the Estate to Jackson, but she died before it was carried into Execution; after Mrs S. died, Miss A. came under Mr Wards Care, she was in a very bad State of Health: A Doubt arising on the Construction of the Will of Mrs S. the Opinion of Council was taken, who thought the Agreement with Jackson a Revocation of that Part of the Will wch related to the Real Estate, the Consequence of wch is that Eliz. A. was entitled to every thing Mrs S. left: thus Miss A. became an object for an artfull man to work on, & Mr Ward created a sort of Quasi Guardian, began to form a Scheme to benefit himself: finding Miss Ames very ill, he carries her from Yarmouth, where her Friends were, to a School at Hammersmith: it appears from Mrs Draper, that Miss A. had but a short knowledge of Mr Ward; who in less than 3 Months shews his intention to procure a Will; Geldard appears at some of the meetings with Mr Ward, his Brother &c. Mr Ward declared it necessary (to avoid trouble with the next of Kin) that the Deed shd make a Will at 14, if it could be legally done, (by reason of Mrs S. Legacies of the Monies arising out of ye Sale of Lands in Case Miss A. died before 21, & without Issue) Pursuant to this Declaration Mr Ward dictated the Instructions, even before Miss A. was 14, & illegally, according to his own Opinion, took her Instructions; having thus prepared Mr Geldard he desires him to wait on Miss Ames to take Instructions, in order to have a Will ready, against September, when she wd be 14. He introduces him to Miss A. saying, this is Mr G. who will wait on you when you are 14, to take Instructions for your Will: Then follows, what is extraordinary on the part of G. who desires her to recollect herself, & have the Instructions ready in writing, against he came; thus the whole Plan was concerted, but it seems Mr Ward received Intelligence, she was in great danger, so that it was necessary the Business shd be performd before she was 14. Mr Wards Letter is very extraordinary, & is as follows.

Mr Jas: Geldard.

9 July 1765

" Sir, By a Letter received yesterday, I am much alarmd about
" Miss Ames, & I have wrote to her to desire, that she wd be
" prepared with her Instructions, against you call on her, &
" therefore think you may do so, the latter End of this Week, &
" when you have been there, will write me your Opinion there
" on, & I think that you shd ask Mr Perryn, whether it is proper
" for her to dispose of that money for which the Estates were
" sold, or leave it without any particular notice thereof;
" Please to let me know in what Situation you find her, for
" 'tis possible she might be born sometime before she was
" christened, & under danger of not living, it might be eligible
" for to have her sign a Will, before the Time of her Christening
" & in case she lives, to have another ready to sign, on the 7th of
" Septr but this I leave to those of better Judgement to determine; I have enclosed you a Letter for Mrs Musgrave, agt you
" go, but wd not have you go to Hammersmith before Saturday
Mrs Musgrave says she has been so ill, that she thought proper to

NB. She had none