and French, confessed Lady Sophia Cranston, to be Sister, but denied her to be next of Kin, or to have any Interest in the Deed personal Estate, if he shd be pronounced to have died intestate but admitted her to be a Contradictor to the Will, & in presence of Gosling & Fuller, brought Affidt of his Client as to Scripts, & gave an Allon, wch was admitted, & produced as Witnesses, the Subscribing Witnesses to the Will, viz Dr Baker, Mr Shidwick the Deeds Physician & Apothecary, & Samel Ward

By the Affid of Scripts, Browne & French appear to know of no Testamentary Papers, besides the Will propounded, except three former Wills, executed by the Deed, two of wch were destroyd before, the other, soon after the Execution, of the last Will, & were nearly of the same Effect, save as to the Appointment of Trustees & Extors.

2d Sess. Grene exhibited Proxies under the Hands & Seals of Ld & Ly Cranston, before exhibited by C & F. & denied Collins Client to be Widow & Relict of the Deed, & alledged he died a Widower without Issue; Collins prayd Publication, & the Cause to be assigned for Sentence

3d Sess. Grene asserted he gave an Allon, & was assigned to be heard on Admission thereof on the Bye-Day; this Assignation has been continued to the first Session of this Term.

Grene brought by Cranston's Affidt of Scripts, whereby she deposes, she knows of no Testamentary Paper, except the Will propounded, & also has heard Jas Maccarthy of Holbourn made one or more Wills for Decd wch were executed by him ...

Dr Calvert... read the Allon the Purport of wch was, as follows.....

1 Art. That the Decd was vicious, extravagant, &c and easily imposed on, by any who would favor his Vices

Contradicts the Marriage of Eliz Marshall to Browne, pleads she was his Concubine, & had a Child by him, That she had a great Ascendancy over the Decd - That she persuaded him to give her Husband Jas Marshall, a Sum of Money not to trouble him for Criminal Conversation with her, in consequence of wch he signed an Instrument of Indemnity -

That she prevailed on him to suffer the Child to be baptized as his Child by Eleanor his Wife - That this is the Child to whom he has left his Negroes, Lands, &c in Barbadoes.

That she frequently abused his family; kept all his Money, & obliged him to apply to her for Pocket Money - The Allon pleads several places of their having Criminal Conversation, knowing her Husband James Marshall to be alive - That she married him afterwards during her Husbands Lifetime - The Register of the Marriage is pleaded - also that she persuaded him to go to live at Richmond in Surry, his weak Prop of Body, & being paralytick a Month before the Will in Question was made -

Dr Wynne... You will observe, the general drift of the Allon, is to shew the Decd was incapable of making a Will; whatever serves to shew that will be admitted, & whatever does not tend to that Point will be expunged - The 1st Art pleads only the Interest of Ly Sophia Cranston & tho, the 2d Art shd be true, it would have no Influence on you to pronounce agt the Will, wch he might be very capable of making, notwithstanding - the whole is a kind of scandalous History -

Dr Bever... The Law of England allows no Inference of Incapacity, to be drawn from Extravagance - She might win his Affections by her Care & Assiduity - Let her be ever so bad, there was no harm

in receiving a Bounty from him -

when Dr Harris spoke, was not in Court

Dr Calvert... We form our Judgement from a variety of Circumstances, it is not necessary, dc. shd make him out totally incapable; if we can prove he was a very weak man, & easily imposed on by this artfull Woman, that is sufficient; whatever tends to shew a general Weakness, is material; her bad Character & management is so, as far as it serves to shew her Influence, & the Use she made of it the Stringent part, is that she made him go & take a false Oath to procure a Licence, when they both knew she had a Husband living - Is it not relevant to plead that Signs were used, & that she was the only Interpreter -

Dr Hay... } Judge... } I am to consider the nature of the facts, their Relevancy, & whether they are capable of Proof. The Qu: is, wh: the Facts pleaded, if true, tend to invalidate the Will? The Party may object General Incapacity, & General Imposition wch will invalidate the Will, set it aside & The 18th Article is the Basis, wch alledges a general Incapacity, at the time of executing the Will; the 6, 12 & other Articles tend to shew Custody & Influence by the Exec: The Execution, I observe is not objected to - I cannot look on the Will as unfavorable wch is to benefit a natural Child, for whom he is bound to provide: a Person's living criminally ought not to affect the innocent Child - The Will must be set aside if the Decd comes out to be incapable; The fact of Mr Brownes explaining will be difficult of Proof, yet it might be proved thus, as if she gave different Amounts of Signs at different Times, the only Question, then, is, wh: the other Articles come in aid of this, of the 20th pleading Controll, Influence &c, that she did every thing, & that she obliged him, to have the Children baptized as legitimate, when they were not, by her Ascendency, procured the Hush Money to her Husband, & his Application for a Licence by wch he was perjured, if these were constrained Acts, they may operate, if they were voluntary & affectionate Acts, they wd tend to strengthen the Will - The Criminal Behavior is not urged, as affecting the Will; I shall take no notice of the scandalous History it can have no weight in judgeing of the Will, any farther than as it tends to shew the Tendency; On the Plea I am to take it to be capable of Proof - most of the Allon is admissible; Part of the 2d Art, wch says he was given to many expensive Vices & Pleasures must be struck out, as an improper description of the Person making a Will, & wch if true, dont warrant the Inference that he could not make a Will; that part wch pleads his being a weak man is relevant; the Pleading the Marriage is proper as connected with the other Articles, the 4 & 5 Art: pleading his Journey to & from St Kitts, must be rejected; 2 Art: must be reformed also the 15th - I dont see the relevancy of the Scenery of the Marriage as laid, so as to affect the Influence of the Party in this Cause over the Decd; It might reflect on the Clergyman who married them, therefore must be expunged - I admit the Plea, tho, on the face of it, there shd be rather an Improbability, that it proceeded from Influence, I must take them, as they are introduced for Instances of her Influence over the Decd.....

Allon to be reformed...