of Particulars, which the Deed looked over herself & paid; I must now observe a little upon Mr Clouds the Husband, whose Character will scarce bear examn; he is represented by all the Ws as a man, greatly addicted to Drunkenness, & when in liquor, guilty of all sorts of Violence & Boutality to his Wife, who frequently felt the bad Effects of his Vices, one time it is said he very near broke, at all times behaved very ill to her, so that he is represented as an Object of Terror to her on all Occasion; even Cripps, did not escape his fury & however desirous she may be of representing him in an amiable View, by saying She knew of no cause the Deed had to dislike him, unless it was his constantly Endeavouring to prevent her drinking, yet She afterwards admits, he once struck her on the breast & another time beat her to the Ground with the Bellows for interfering in a quarrel between him & his Wife; The Deeds disapprobation of her Vices behavior is strongly pointed out, by Keen, Graham & Cheetham, who all heard her complain of her in very severe Terms, wanted to turn her out of Doors, & said she was convinced She might as well fling her money down the Kennel as give it to her, or any what belongs to her. She thinks her a fine Lady, & the Aversion she takes to her Niece is extended to the Rest of her Family: Under these Circumstances, there could not be any Inducement to benefit a Set of Persons, who had treated her ill, & had slighted her; & having a dislike to her Relations, She would naturally wish to dispense her favors among those, whose Bounty she had tasted, & whose friendship She had experienced, in which Case Mr Davis & Mr Robinson must necessarily be the first Objects of her Attention. after her death, you will observe, the Exors read over the Will to her Husband, that he might be satisfied of the fairness of the Transaction; whilst reading, the only Observation he made, was to express his Content at the whole Contents except the Legacy to Slack, who he said was a Rascal, he was sorry She left him any thing; as a token of his Approbation of the Will, he accompanied the Exors to Drs Commons, & agreed to the Probate; tho he has since altered his Sentiments & brought this Suite to set it aside; I hope, upon the whole, you will think the Deed had a Capacity adequate to the Act, that the Exors were guilty of no fraudulent Practices to obtain this Will, that she had a sufficient reason for giving away her fortune from her Husband & Relations, & confirm the Probate to my Clients....

Dr Marriot — I am Council, on behalf of the Exors, of the Husband, of Hannah Clouds deed; & shall oppose the Will in question on two Grounds; first, I must insist, we have laid sufficient Evidence before the Court, to overthrow it; 2dly. That the Opponents have not offered proper Evidence to support the Devise; the Law expects the strongest Testimony, the most convincing Proof, where a Will is propounded agt Relations.

If any Flaw, or Chasm is found in the Evidence, it is a good foundation for setting aside the Act; the Parties concerned in fabricating this Will, have complied with the forms prescribed by Law, as is generally the Case, in Transactions of this Nature; Witness Colebies Case — Millar v Shepherd — Barton v Robins where the Wills were pronounced agt, because Instructions were not proved. The Trust, is a strong Reason against these Persons, being Exors & Resid: Legatees — The Circumstance of carrying the Will engrossed, is very suspicious; when read to the Deed, how does she behave? why, say they, She expressed her Approbation by Signs, or Nods; a very uncommon mode, of giving an Agent, to so important a Transaction; You are told the Deed fainted during the execution, which may account, for those Nods, or Signs, abovementd & might proceed from her being so ill, as to be unable to speak or understand, what was in agitation; it might likewise be owing to the Testatrix having drank to Excess, & being thereby rendered senseless; Hills & Ewer appear to be Confederates in the Transaction, & to have drawn, engrossed, & carried the Will to Deed without enquiring, whether She had given Instructions for it; Dr Smith & the 2 Apothecarys, were certainly imposed on, as to her Sobriety — Robinsons Letter to the Deed, is only fit to be wrote to a weak, silly old Woman, & under the Appearance of friendship, covers a very bad design; he prepes her to come to his House, or Davis: to make a Will in their Favor, & covers his Intention, with the Masque of Hypocrisy, concluding with a Prayer, unbecoming an honest man in a private Transaction; Much Stress, has been laid, on the Husbands Assent to the Probate, he acted as an honest man should, by acquiescing in the Disposition, till he had reason to suspect, the Will had been, fraudulently & unduly obtained; he then applyd to this Court for aid, & we hope you will think this Will ought to be set aside, or that the Devise obtaind by a continuity of fraud, shd not be established — In Bradbury's Case, Ld Northington set aside a Bond, which the Party said, she had been inveigled to give to Bradbury a Methodist Parson under Religious Pretences —

Dr Wynne..... Much Stress has been laid, on the Husbands Consent to the Probate & great Surprize expressd, at his Alteration of Sentiments afterwards, but that Surprize must vanish, when you recollect the Situation of the Husband, who being inops Consilii, suddenly called upon for his Decision, gave his Approbation, with less Circumspection than he ought, & being afterwards convinced of the fraudulency of the Transaction, endeavoured to set it aside: The Exors of the Husband rely on the Outlines of the Case: viz. the mean Circumstances, & Drunkenness of the Deed, & the Religious Influence with Robinson had over her; they therefore hope, you will require full proof of Capacity of the Deed, & of her Intention to do every part of this Act, wch is brought before the Court; we shall be able to shew, this is not a legal Will; the Attention of the Court will not be confined, to the mere Instructions & Execution; the Nature of the Transaction, & the Condition of the Persons concerned, must be taken into Consideration — The Deed, we are told, received no Relief from her Husband when in distress; perhaps not, but does it appear he was able to maintain her? certainly no, e con: you have it in Evidence he was himself reduced to great Poverty, what therefore was more prudent, than their living seperate, & endeavouring to

NB Instructions for a 3000£ Legacy in a Codicil, were proved, but the Legatee (a Maid Servant) who had bro: ye Instructions for ye Will, being asked, (when they came to execute it) who was ye Exor, said, she wd go & ask Mrs Hills, & accordingly went out, but set soon after, said She was to be Exor. The Parties agreeing, ye Sentence was given but the Codicil intended to have, [illegible] be &c.