

to it in the month of December, by giving the directions to give Mr. Fearon; considered it to be at his request and did swear it; the deed was prepared by Mr. Fearon in the month of March 1824; gave the draft to Mr. Gowan; never erased his name and put his brother William's name in it; (here his depositions were read—Saith with the alteration of William's name he erased his own. Says William procured a stamp.) Don't know whether he gave the names to him or not; don't think he bought the stamp himself, but recollects, speaking to William about it; knows he did not go for it himself; has no recollection of going to Mount Nebo. (Here part of the witness's answer to the bill in Chancery was read. (Saith that this deponent bought the said stamp.) If his brother gave him the money, and that he sent another for it, he conceived it was he who bought it. Recollects about Christmas, 1823, his father came to search for a deed. Witness had it not. His brother William had it. Don't know his father ever desired his brother William to burn it. Might have said that William boasted he had not burned it. William told him so. It was not after the execution of the deed; Defendant told witness something of the nature of destroying the deed and did not burn it; his brother told witness the reason why he kept the deed contrary to his father's wish was, that he had broken faith with him and that breach of faith was cutting down £100 a year to £50 a year; recollects his going two or three times to Burland's house about the period his father executed his will and codicils, which was about the 22d of May; saw J. Smith at Loggan; went there at Burland's request, whosaid he was drawing a will for witness's father, making a fair disposition of his property; Burland did not shew the will on the first occasion; don't think William Gowan was with witness; never recollects being at Burland's house or on his lands with William Gowan; has no recollection of being in company with Moore and Lawless; is quite positive he never went there, at one and the same time with the persons mentioned; swears he did not go there within a week of his father's death; has no knowledge of ever meeting his brother there; believes that writing (the copy of will) is his (witness's); made alterations to it he supposes at one of the intervals of his being at Burland's house; believes it was drawn up by Burland; he said he should submit it to witness's father if witness approved of it; made those alterations in that draft at the request of Burland; can't recollect he was with Burland on the 24th; Burland frequently importuned him to look to himself; did not go to look for Burland to get it from him; never got it from him at all; his father said he wished it to be concealed to prevent violence in the family; has no reason to believe his father wished the provisions of his will to be kept secret from his legitimate children.

By the COURT—Recollects his father taking the deed out of the desk, which he unlocked; they all signed it then at the table; his brother William took it off the table when it was signed; understood it to be William's property—Was his father to have no property in it during his life? I can't say.

WILLIAM LAWLESS examined by Mr. M'KANE—Lived in the service of the late John Hunter Gowan; wrote his name to that deed in his bed room; Ogle Gowan, William Gowan, John Burland, William Moore, witness and old Mr. Gowan, were the only persons present; saw Burland put his name to it, and William Moore on the same occasion, and in the same place; Testator died on the 25th of May. Ogle Gowan was at Mount Nebo on the day his father was buried. Don't recollect ever going to Burland's in company with either Moore or Defendant.

Cross-examined by Mr. DICKSON—That is his name and hand writing to the will. (Here witness was desired to write his name, and some of the Jury compared it to the will.) Don't remember the day when the will was signed by Mr. Gowan. Five persons signed it besides Mr. Gowan, Ogle Gowan, William Gowan, John Burland, William Moore and witness; thinks Moore signed first; it was J. H. Gowan signed first; don't know which signed second; is positive William Moore signed before William Gowan; witness of course signed last; witness is married to Moore's half sister; it was signed in the middle of the day; the dinner hour was generally one or two o'clock; went into the room with William Gowan; the Captain and John Burland were in the room; it was after that Ogle came in; believes it was the Captain spoke first; when witness went in Mr. Gowan pulled the deed out of a box or desk;