

from Mr. Fearon or the scrivener; early in December, Wm. Gowan mentioned to witness that his father wished to make over to him Ashwood, and to get a deed prepared, leaving blanks; went to Mr. Fearon a second time, who said there should be the name of the trustee and of the person to be benefitted in it; witness gave his own name for the person to be benefitted; does not now recollect who the second person was to be mentioned; returned to Mount Nebo about the middle of December; Tom had charged him with having stolen a silver cup from his father; was arrested in consequence of information sworn before Mr. Miller; was taken to Gorey by the Police; his father followed him; was finally liberated; his father was dissatisfied with Tom; was at the Assizes with his father; Mr. Thomas Gowan appeared there to prosecute with a number of other witnesses; witness's father spoke to witness relative to the deed he intended to make to assign Ashwood to William; his father took ill at the Assizes, during which time he had that conversation; he was afraid he would not get home to Mount Nebo to execute the deed for William; left Wexford with his father, and accompanied him as far as Enniscorthy; he stopped at Henry Gowan's he believes that night his father sent him on to copy the deed, to have it ready with the exception of putting in the Trustees' names and his brother's name; his father returned shortly after; witness thinks he was a day home before him; copied out the deed as directed, and the deed produced is it; about three or four days after the deed was executed; remembers his father's death; was at his funeral on the 28th; the will was read on the Monday after his father was buried; between the time of his father's death and the reading of the will witness was not in Dublin; brought home the deed on a stamp; knows John Burland; never got him to witness a deed in a grove near Mount Nebo; got another deed from Mr. Fearon before the Assizes of Wexford by his father's direction; it was a deed of acquittance in consequence of the prosecution for stealing the cup.

Cross-examined by Mr. Scott—Went to Dublin in December, 1823, by Wm. Gowan's directions; gave Mr. Fearon instructions, he thinks both in writing and by word of mouth; his impression is that having got the lease he prepared something from it at the hotel* where he stopped; won't swear positively to this; got the deed granting Ashwood from his brother William; shewed it, and thinks he gave Mr. Fearon the draft he drew himself, and the original grant of Ashwood; asked Mr. Fearon to prepare a proper draft without names; don't know whether Mr. Fearon made any alterations; if he swore that he brought him a draft ready prepared which he was to get engrossed, he believes he would swear falsely; gave to William on his return the deed given him by Mr. Fearon; paid Mr. Fearon; and he or the scrivener gave it to him, it was on a stamp; thinks witness and his father remained about two days in Wexford; from Wexford went to Henry Gowan's; swears he did not remain there two days: will not venture to swear he staid one; thinks his father came home on the evening of the morning which he came home; did not go through Gorey when returning from the Assizes on his way from Enniscorthy home; is almost certain he did not; it would have been out of his way. Does not know where the deed is, gave it to his brother William; could not say how he travelled from Enniscorthy to Mount Nebo; can't tell whether he walked or rode; but did not go in a coach; won't swear any one was in his company or not from Enniscorthy home; had sworn to the execution of this deed; all were present and signed it on the one occasion; before it was executed his father desired them to keep it private as he was making a provision for William; his father looked over it; thinks he could not have read the whole of it; can't say which side of it he was reading; he (witness's father) took it out of his desk, it had been given to him the day previous; don't know if it was with the same pen they all signed; can't say there was more than one ink stand on the table; there was generally more than one on the table; one his father used and the other William used; believes he got the paper he wrote the draft on from William; can't tell where Wm. got it; he either gave witness money or spoke of giving money to send for the stamp; this was at Mount Nebo; could get the stamp at any of the towns around; can't say it was at his father's request he witnessed the deed; but swore it was at his request; and it was understood he assented

*Bell's, Lower Kevern-street.