

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. Oowan pulled the deed out of a box or desk; is not sure which; the Captain said he wanted him to witness the deed for him; he said he was going to make over a property to Mr.