

## TRIAL.

### HOPKINS v. GOWAN.

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THE pleadings were opened by Counsellor HATCHELL.

Mr. SCOTT stated the case. It was an action in which the Lessee of Robert Hopkins was Plaintiff in an ejectment on the title against William Gowan, the Defendant, to carry the trusts of the will of the late Mr. John Hunter Gowan into execution. It was a case arising out of an Equity suit, and the Lord Chancellor had directed that Robert Hopkins should be the Plaintiff, and William Gowan the Defendant. In consequence they were enabled in a great measure to anticipate the arguments which might be used on both sides. Mr. William Gowan set up a deed conveying to himself the lands mentioned in the declaration called Ashwood. There are several lands mentioned, but I shall content myself with stating them under the name of Ashwood, as they are called the estate of Ashwood. Gentlemen, you are to say whether a certain deed of the 15th of March, 1824, was duly executed by the said testator or not.—That is the sole question. I admit that much property depends on the issue of this action—I admit that much property is at stake, and I also admit that it affects deeply the character of some of the parties concerned in this case. Whatever the difficulties of the case may be, I here state, that—**THAT DEED IS A GROSS AND INFAMOUS FABRICATION AND FORGERY, AND THAT THOSE WHO COME FORWARD TO SWEAR TO ITS EXECUTION COMMIT PERJURY WHEN THEY SO SWEAR!** I fear I shall have to detain you a long time. The case is a complicated one. I must say that one of the witnesses to be produced on behalf of the Plaintiff comes before you with suspicion. He is one of the witnesses to that deed, but he repented of his conduct, and he insisted that they should compromise the matter, for he said, that notwithstanding what he had done, he could not swear to a falsehood. It is for you to take into consideration the degree of credit to be given to one, who, subject to the frailties of our common nature, had so erred, but nevertheless had evinced returning virtue. The testator, John Hunter Gowan, was a gentleman well known to you all. He was active and intelligent and advanced in years. He died in the year 1824, at which time he was 87 years of age. He lost his