

Before the Hon^{ble} Arthur Middleton Esq. Presid^t of the Honourable Council & Ordinary
of this Province.

In Council 25 June 1729

The last will & Testament of John Colwell dec'd: being now exhibited in
and to be proved by the witnesses before his Honour, a caveat being
entered by Robt Fledgyn on the behalf of the relations of the said dec'd:
the severall subscribing witnesses being sworn depose as followeth
Richard Lambton maketh oath that on Saturday the 14th June instant
the defunct went to the Fledgyns plantation to pay a visit to Mr John
Colwell who was there sick, but then in his perfect senses. That Mr
Colwell then told the defunct he was desirous to make a will,
but that he would defer to the next morning when he expected
Mr Judith Lincous would come out of the country. That on Sunday
morning Mr Lincous came to town to the defunct told him he
came from Mr Colwell who desired he would come to him &
make his will & accordingly the defunct went to him about
eleven of the clock in the forenoon & found him to the best of his
knowledge in his right senses. That Mr Colwell gave the
defunct direction to draw his will. Accordingly the defunct
did draw the will now produced as it now appears wth the
defunct & witness doe tell the afternoon ab^out four a clock
that he desired the better judge whether he would be sensible to
execute it. That the defunct read it over to him & Mr Colwell
approving thereof the defunct asked him if it was drawn accord-
ing to his mind. Mr Colwell replied yes. The defunct then
desired him to be ready to sign it. Mr Colwell answered he was very
weak & could not sign it. When got up in his bed & at on the side,
Mr Colwell being present he then signed sealed & delivered the instrument
then produced to be proved as a last & deed for the uses therein
mentioned in the presence of all the subscribing witnesses &
then the said will was enclosed in a cover sealed with the same
seal the testator then delivered to Mr Lincous one of the Esq's shew
named. The defunct saith that he being informed that the testator
a few days before had been somewhat headstrong it was upon that account
that reason the defunct waited till Sunday in the afternoon
before he gave it him to execute. The defunct saith the severall Lega-
cies given in the will were intirely dictated to the defunct by the
testator & that no other person whatsoever gave any directions therein.
Lastly the defunct saith that he the defunct signed his name
asa witness to the said will together with the other witnesses in
the testators presence.

William Beckoy another subscribing witness depose that
on Sunday the 15th Instant about four of the clock in the afternoon
one Hooper came to the house of one James Hecarne where the defunct
then was told Mr Hecarne that his master Mr Colwell was very
ill & desired Mr Hecarne would go to him whereupon the defunct
went along with him coming to Mr Colwell found him in his
room that he was then in his senses and the defunct heard Mr
Lambton