

March 10-1696

(65)

son was this following. Motion preferred to the Court of Thomas Cull in behalf of his son John: Cull vs. and and and and.

To the wor. Coms of Somerset County, in Court now sitting. The Motion of Thomas Cull humbly sheweth. that whereas Richard Brittain late of this County deceased, having us will written only verbal, wherein he gave to your Petitioners son John: Cull Richard Brittain being his Godfather what Estate he was possessed with and also your Petitioner can prove by several witnesses that my son John: Cull being Richard Brittain's Godson that Richard had a great respect for my son in living long before his death and he often desired to make him his Heir, and before he died when he was at my house desired me earnestly to get him some man or other to write him his will, desiring my son to be his Heir, your Petitioner not thinking of his death so soon desired him to refer it to another time, but soon after he died. Your Petitioner humbly prays y<sup>e</sup> worship<sup>t</sup> would issue out letters of Administration in the behalf of your Petitioner son John: Cull, and y<sup>e</sup> Petitioner engaged to prove what he hath above alleged by many witnesses and y<sup>e</sup> Petitioner as in duty bound shall ever pray for.

The above said Motion being read the Court requires the sd. Thomas Cull to prove a Nuncupative Will made by the sd. Richard Brittain deceased. And the Petitioner sheweth these seven Evidences hereafter inserted. Viz

- William: Plamer. Junior
- William: Reynolds.
- George: Hey.
- Widdow: Bond.
- John: Dorman.
- Sarah: Dorman.
- Calicut: Williams

The sd. Wm. Plamer having made Oath in Court saith that he had several times heard Richard Brittain say that when he died he would give all his goods and what else he had to his Godson. John: Cull.

William: Reynolds having made Oath in Open Court saith that in September last week twelue months he heard Richard Brittain say that when he dyed he would leave all that he had to John Cull and his wife in July last past he heard the sd. Brittain again say that when he died he would leave all he had to John: Cull. &c.

The other five Evidences all made Oath in Open Court to the same effect as above all intimating the real intent of the sd. Richard Brittain deceased, and he ever in his life time had desired John: Cull son of Thomas Cull to be his Heir, and that he would give him all his Estate he had when he dyed, desiring sometime before his death that Thomas Cull would get some person to make or write his will, that after his death his son John might not be disappointed, which by sd. Cull was neglected.

The Court this day having considered the totall proceedings do order letters of Administration to be granted to the sd. Thomas Cull in the behalf of his son John: Cull. the sd. Thomas giving security according to Law.