Nevertheless the said Christian Geist and Edward Cole as well as the aforesaid Robert Elliott appear — And the said Charles Diggs being present in Court produces the aforesaid Will of Nicholas Lowe Esqr late of St Marys County Deceased which is Ordered by his Honour the Commissary General to be proved by the Evidences to be produced by the Petitioner, And thereupon the aforesaid Robert Elliott, Christian Geist and Edward Cole together with Phillip Key Esqr severally give their Depositions concerning the said Will which said Depositions are by them sworn to before his Honour the Commissary General —

Whereupon the Procureators for the Defendants move the Court that they may have time to put in an Answer to the Petition of the said Mary Young, but it is the Judgment of the Court that they proceed in a Summary way for that at the particular Instance and request of the Defendants this Cause was Continued from Tuesday the thirteenth day of May until this Day being the twenty second Day of the same Month that the said Defendants might be prepared for Tryal, and Citations haveing Issued against the aforesaid Charles Diggs and Henry Darnall to Exhibit the Will of the said Nicholas Lowe Esqr to which Citations they appear, and the said Charles Diggs haveing produced the Will of the said Nicholas Lowe Esqr — which he acknowledged was found by him the said Charles Diggs in the said Lows Closet and among his papers — It is therefore Ordered by his Honour the Judge that the Depositions taken relateing thereto be annexed to the said Will and it is Ruled Peremptorily that there be a further hearing in this Cause on Fryday the thirtieth of this instant May —

Thereupon at the Instance of the said Mary Young Citation was Ordered to be renewed and Issued against the said Mitchel Phillips Returnable to the said thirtieth Day of May —

And also at the Instance of the Defendants Charles Diggs and Henry Darnall Citations Issued to the Sherriff of Charles County against Charles Neale and to the Sherriff of Prince Georges County against William Murdoch and Ebenezer Cooke and to the Sherriff of Calvert County against Robert Brooke, that they all be and appear at the Prerogative Court on the aforesaid thirtyeth Day of May to Testifie for the aforesaid Charles Diggs and Henry Darnall against the said Mary Young to which time and place the said Precepts are all returnable —

At which said Friday being the thirtyeth day of May af^d and the Day of the Return of the precepts aforesaid comes again as well the said Mary Young by her

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Procureators aforesaid as the said Charles Diggs and Henry Darnall by their said Procureators — And the Sherriff of Calvert County to whom the Citation against Mitchell Phillips was directed makes return thereof to the Court here endorst

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And of the Citation that Issued against Robert Brooke the af^d Sherriff of Calvert County makes return to the Court here endorst —

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But of the other Citations that Issued against William Murdoch Ebenezer Cooke and Charles Neale the Sherriffs to whom the same were directed make no return — Nevertheless Mr Charles Neale one of the aforementioned Evidences appears and being sworn on behalf of the Defendants Charles Diggs and Henry Darnall — against the said Mary Young Declares he knows nothing relateing to the Cause now in dispute between the said parties —

And the af^d Robert Brooke who was also Summoned on behalf of the said Charles Diggs and Henry Darnall appears and the Deposition of the said Robert Brooke being taken by order of his Honour the Judge the same was received and is as follows — The Deposition of Robert Brooke aged about thirty seven Years — This Deponant saith that he was at the house of Nicholas Lowe Esqr at the time of his Decease which happened about day break on wednesday morning some time to the best of this Deponents Remembrance in the Month of^d November last this Deponent further saith that after the Death of the said Mr Lowe he saw a Certain Mitchel Phillips (in the same Day and before any of the Representatives of the said Lowe came) in the said Mr Lows Closet that the said Phillips called Mrs Mary Young into the Closet upon which this Deponent went in to see what they were doing there at which time the said Phillips was reading a paper to the said Mrs Young whereupon this Deponent asked whether it was a Will or no to which the said Phillips replied it was a list of Goods sent for by Mr Lowe for Mrs Mary Young and told her he would copy it of for her, Whereupon this Deponent walk'd out and cant tell whether the said Phillips copied the List or no, only that the said Phillips afterwards told this Deponent he did copy the said List of^d this Deponent further saith that after Mr Lows Death and before any of the Representatives came the said Phillips was very often in the Closet and some times to gett Rum for the People, and that he believes the said Phillips once stayed there half an hour and continued so going in till one Mr Edward Neale one of his Representatives forewarned him from going in any more — this

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