Deponent further saith that being in Bed with the Said Phillips, the Said Phillips Said he Expected Mr. Lowe would have left him something as a valuable Consideration for the services done him Whereupon this Deponent some time after they had left the house asked him whether he saw any Will to which the Said Phillips answered no and that he was afraid there was none and this Deponent further saith the paper now produced to him he doth not believe to be Mr. Phillips hand writeing and this Deponent further saith not.

Sworn this 30th May 1729 before Edw. Henry Calvert

And Peter Spalding being produced as an Evidence on behalf of the Said Charles Diggs and Henry Darnall it is Ordered by his Honour the Judge that the Deposition of the Said Peter Spalding be also taken which was likewise received and is as follows — The Deposition of Peter Spalding about thirty five years — This Deponent saith that on the Saturday before Nicholas Lowe Esq. Died this Deponent desired the Said Mr. Lowe to give him a lease for a peice of Land this Deponent then rented of him to which the Said Lowe replied he had resolved never to Lease any Lands, to which this Deponent Said he was apprehensive of some danger for that he apprehended the Said Mr. Lowe was some what Crazy in his Constitution that the Said Mr. Lowe told this Deponent he had no reason to be Uneasie for that he should not be turned of provided he paid his Rent duely let him Die when he would, that this Deponent still persisted in his uneasinefs and urged to Mr. Lowe that he has grounds for it haveing often heard from Mr. Lowe Expressions tending to a resolution not to make any Will Whereupon Mr. Lowe Said he had no Occasion to make a Will unless he altered his Condition for his sisters would be ready enough to take what he had and they were all equal to him, This Deponent further saith that some time before the Said Mr. Lowe was telling this Deponent of some scandal raised by one Ebenezer Cooke upon the Said Mr. Lowe and one Mrs. Mary Young that the Said Lowe Said he did not regard it for his own part so much, but as for the young Woman he was troubled for her he never saw any harm by her and she did not deserve it, for she had lost her good name in his house & he thought in conscience he ought to see she had satisfaction made for it This Deponent further saith that after Mr. Lowes death he saw the Ap. Mitchel Phillips at Mr. Lowes writeing Desk in his Closet sitting by Candle light as if he was writeing, and this Deponent further saith not.

Sworn this 30th May 1729 before Edw. Henry Calvert

Thereupon all and singular the pleadings and Allegations of the several parties in this Cause being fully heard and Maturely deliberated It is on the Day and Year last mentioned to wit on Friday the thirtieth Day of May Anno Dom 1729 aforesaid Ordered Adjudged Sentenced and Decreed by the Honourable Edward Henry Calvert Esq. Commissary General and Judge Here that the Instruement of writeing produced in Court by the Said Charles Diggs and proved to be the hand writeing of Nicholas Lowe Esq. late of St. Marys County Deceased be Recorded with the Depositions taken relating thereto as the last Will and Testament of the Said Nicholas Lowe and that Administration thereon with Will annexed be taken out by those who have right thereto and shall apply for the same, and also it is Decreed that the Estate of the Said Nicholas Lowe Esq. pay the Cost of this suit Justice so requireing.

Mr. William Beckingham on behalf of the Defendants Charles Diggs and Henry Darnall prays an appeal from the Judgment of this Court to a Court of Delegates which is granted according to Act of Assembly.

23 1/2 ℔

W. W. John Abington Adm. de bonis non of William Hutcheson
vs
C. J. John Hoddert Execu. of James Hoddert Esq.

Citation having Issued against John Hoddert late of Prince Georges County Gent. Executor of the Last Will and Testament of James Hoddert of the County af. Esq. deceased to shew cause why he refuses to deliver the effects Books and Accounts &c which were of William Hutcheson deceased unadministred by the Said James Hoddert deceased Executor of the Said Hutcheson deceased unto John Abington Gent. Administrator debonis non of the Said William Hutcheson

And the Sheriff of Prince Georges County aforesaid to whom the same was directed makes return thereof to the Court here endorsd. Summoned Richard Lee Sherif

Whereupon the Said John Hoddert appears and is sworn to Answer such Questions as shall be asked him by the Court relateing to this Cause and it being demanded of him whether he had any of the effects of the Said William Hutcheson in his hands, and also whether he had any of the Books of the Said Hutcheson

To the first Interrogative answers he had five pounds odd money

To the second Interrogative Answers he had three or four

And.