

Lib. R. John Quigley Gentl: who was D^r to the said Deery p Bill
 P. 95 23970^l tob^o & p Acco^t 9544^l tob^o w^{ch} yett depend undeter-
 mined That thereupon the s^d John Quigley p^rtended the s^d
 Deery had made a written Will and therein named Ellino^r
 Deery, Owen Quigley and the said Jn^o Quigley Ex^{rs} and there-
 upon cited yo^r Pet^r before the said Judge for probate of Wills
 &c^a Exhibited his Libell to have the Will proved, and the
 Pet^r Adm^rcōn sett aside, To w^{ch} Libell the Pet^r answered, and
 Denied Deery to be Compos mentis when the will was made,
 and severall Wittnesses were Examined, and Cross Exam-
 ined, and after Publication to witt 16^o August 1678 the cause
 came to be heard before the said Judge, who the same Day
 declared the case of the s^d Deery to be the Case of a man in
 his Agony bereft of his Sences by the Violence of his Disease,
 and the said pretended Written Will Null and void, and
 Quigley to pay yo^r Pet^r Costs, w^{ch} afterward were taxed at
 2524^l tob^o

That afterwards the said Quigley appealed and prayed a
 Comission to Judges Delegates w^{ch} was by yo^r L^{SPPS}: Governo^r
 granted to Baker Brooke, Thomas Tailler, Henry Coursey
 and Benjamin Rozer Esq^{rs} or any three of them to heare the
 said Cause, that M^r Brookes, M^r Coursey and M^r Rozer heare-
 ing the Cause the 6th of Novemb^r 1678, did pronounce pub-
 lish and Declare [that the said John Deery did not dye Intes-
 tate, but that the words by him spoken (viz) I give all that I
 have to my Sister Ellino^r Deery, my Brother Owen Quigley,
 and my Couzen Jn^o Quigley, and Doe make them Executo^{rs}
 doe amount to a Nuncupative Will, and th^t the said Deery
 was of a sound disposing mind, at the time of the speakeing
 thereof] and did ord^r Judge and Decree those words soe
 spoken by the said Deery to be the Last Will of the said
 Deery, and th^t the said Ellino^r Deery, Owen Quigley, and Jn^o
 Quigley are the Executo^{rs} of the said John Deery, And that
 yo^r Peticōner should pay him 7797^l of tob^o Costs as by the
 whole proceedings Remaineing upon Record may appeare.
 Whereupon yo^r Pet^r applyed himself to yo^r L^{SPPS}: Governo^r by
 Peticōn that in regard the said Court of Delegates had not
 duely proceeded to Judgem^t nor had they pursued their Comis-
 sion by onely viewing and reheareing of the cause as it stood
 before the said Judge, and for that they had by their Decree
 sett aside the said Written Will as the said Judge had done
 before, and had decreed a Nuncupative Will which was not
 before them on the appeale, nor ever any Nuncupative Will
 proved or tendered to be proved before the said Judge who
 is the onely proper Judge to doe the same and the Com^{rs}
 Delegates had nothing to Doe therein, and soe yo^r Pet^r ought
 not to pay costs. Yo^r Pet^r humbly Desired another Com-