

(567)

Lib. P. C. No. 6 and that he dyed within one hour or thereabouts. the Mark of
 +
 Martin Defaria

Whereupon the Judge Testamentary pronounced for
 the said Will so far as Concerns the Estate Moveable and
 Orderd Letters Testamentary to be granted to the said John
 Warder Marjory his wife and William his Son

48.

The 15th Decembris 1673
 Came John Gerrard the Son of Thomas Gerrard late of Methu-
 thicks in the Colony of Virginia formerly of St. Clements
 Mannor in the County of St. Maryes in this Province Gent
 Deceased the said John being one of the Executors of the
 said Thomas and Exhibited the Last Will and Testament
 in Writing of the said Thomas signed with his hand and
 sealed with his Seale in two sheets of Paper and Witnessed
 by John Waugh Isaac Allerton John Lee and John
 Cooper Witnesses Desired and Requested to attest the
 said Will the said John in his proper person Requested
 to be admitted to make prooffe of the said Will by the wit-
 nesses viz^t Maj^r Isaac Allerton and John Lee
upon the said John and John Lee being
 sworn upon the Holy Evangelists upon their oaths
 to say that they did see the Testator Thomas Gerrard
 signe seal Publish and Declare the said two sheets of
 paper now shewed them to be his last Will and
 Testament the Tenor of which Will followeth in
 these words — (Viz^t)

In the Name of God. I Thomas Gerrard
 the fifth day of February 1672. I Thomas Gerrard
 of Methuicks in the County of Westmorland in the
 Colony of Virginia Esq^r being at present well and in
 bodily health and of good and perfect memory
 Thanks be unto almighty God and Calling to mind
 the Uncertainty of a Temporary Life and that all
 flesh must yield unto Death when and where soe
 it pleaseth god to almighty God So therefore make
 constitute ordain and Declare this my last Will

(and)

(568)

49
 Sub. P. C. n^o. 6. and Testament in Manner and form following - Awoake
 ing and aduillating by these presents both in Bed and
 in Saio all and Every testament and testaments Will and
 Wills heretofore by me made and Declard Either by word or
 by writing. and this is to be taken only for my last will
 and Testament and none other

And first being penitent and sorry from the bottom of
 my heart for my sins past most humbly desiring
 forgiveness for the same Do Comitt and Comend my soul
 into Allmighty God my Creator and Redeemer through
 whose Mercy and by the Meritts of Christs Death and
 passion Trust and believe assuredly to be saved and to have
 full Remission and forgiveness of all my sins and that my
 Soul with my Body at the Gen^l Resurrecion shall rise
 again with Joy and Inheritt the Kingdom of God -
 prepared for his chosen and Chast - ones and my Body I
 give to the Earth to be buried as nigh as possible can -
 be to my deceased Wife Susannah Ferrard by my Exccutor
 and Exccutrix hereafter named and now for selling my
 Temporall Estate and such Goods and Chattells as it
 pleased God allmighty to bestow upon me

I Do order give and Dispose in manner and form following
 (that is to say) first I will and ordain that all such Debts
 and Duties as I owe in Right and Conscience to any
 person or persons shall be well and truly Contented and
 paid or ordained so to be paid within Conuenient time
 after my deuse by my Exccutors hereafter and after
 my Debts paid my funerall Expences discharged and
 the seuerall and Respective Legacies in this my Will
 mentioned given and Expressed be likewise Contented
 and paid according to the purposed and true Intent
 and meaning of this my Will that then all and wholly
 the personall Estate Unto Me belonging Either in
 the Province of Maryland in the Colony of Virginia
 and the Kingdom of England upon the Seas or any
 other place of the world where it shall be or may be

Exec^d by

Philip Calons

(found)

(569)

40. *ib. D. n. 6.* I do hereby give and bequeath unto my Son John
 Gerard and my Loving and Dear wife Rose whom I do-
 hereby appoint and ordain my full and Joint Executors of
 this my last Will and Testament, to all Intents and purposes
 in as ample manner as the Lawes of England of the Colony
 of Virginia and of the Province of Maryland Will or may
 admit I give and bequeath unto my Daughter Mary —
 Thirty Thousand pounds of Tobacco to be paid unto her —
 within one year after my Decease (if not during my life)
 in full for her portion of my personall Estate: I give and be-
 queath unto my said Daughter Mary and the heirs of —
 her body for Ever Lawfully to be begotten; four Seats of Land
 (that is to say) a the Land in Mistres whites Neck lying
 on the Right hand of the path that Leads from Mattapony
 Bridge down the neck unto my Son in Law Blackstone
 or John Shanker now in my own Occupation, one other
 parcell of Land Called Saint Katharines Island in the Oc-
 cupation of John Dennis, three hundred acres of Land now
 in Cordas Neck lying between one M. Cole and M. Sal-
 lers likewise in my own Occupation one hundred acres of
 Land More Westwood edge in the possession of Sam. Golson
 all which Lands are lying Situate and being in the Country
 and Province of Maryland together with all the Rights —
 privileges and appurtenances thereunto belonging shall
 be holden by the said Mary and her heirs for Ever after —
 she does arrive att the age of one and Twenty years —
 or Day of Marriage If I do not Sell or otherwise
 Dispose of the same Lands or any part thereof in my —
 Lifetime ouely reserving due and payable out of the —
 said Lands unto the Lord of the Mannor & all such
 Rents Rites and Services as is thereunto belonging
 Now in Case my said Daughter Mary shall dye —
 before she arrive att the age of one and twenty years
 or without Issue of her body Lawfully begotten then
 my Will and Meaning is that all my Lands and
 other Legacies to her bequeathed shall be Equally
 divided amongst the Rest of my Sons and Daughters
 surviving and the Survivors or Survivors of them

(or)

(570)

Lib: 96. n^o C. or any of them by Equal and Equall portions I give and bequeath
 51 I unto my Eldest Son Justinius one Moyety of that Mannor of
 Saint Clements and the other Moyety to my now Loving and Dear
 Wife Rose During her Natural life and after wards the said
 Moyety of the said Mannor of St. Clements profsd by her in
 her life time to Come into possession and Real Estate of the
 heirs Male begotten by me on my said Loving Wife Rose
 and if female then the aforesaid Moyety after the decease
 of my Loving Wife Rose I give the whole Mannor of aforesaid
 to my Eldest Son Justinius willing him to pay unto Each
 Daughter or Daughters so begotten by me on my said
 Loving wife Rose Twenty Thousand pounds of Tobacco
 Either when they arrive at the age of one and twenty years
 or the day of their Marriage and to be under the Tutition of
 my Executors and my said son Justinius with his heirs
 Lawfully to possess the whole of the aforesaid Mannor of
 of St. Clements for Ever with its Rights and priviledges
 unless I otherwise dispose of it in my life time I give
 unto John my Youngest Son one Moyety of those Lands
 Called Bassford Mannor and the other to my Dear Wife
 Rose During her Natural life and after her Death to the
 heirs Male begotten by me on my said Loving Wife Rose
 and if female then at the Death of my Wife I give that
 whole Mannor of Bassford to my son John aforesaid
 willing him hereby to pay unto Each Daughter or Daugh-
 ters so begotten by me on my now Loving Wife Rose ten
 Thousand pounds of Tobacco at the age and Day aforesaid
 and he with his heirs Lawfully begotten to possess the
 whole aforesaid Mannor of Bassford for Ever with its
 Rights and priviledges unless I otherwise dispose of it
 52 in my life time I do give unto my Youngest Son John
 one Moyety of that Land or plantation in the Colony of
 Virginia Called by the name of Gerrards Reserve
 lying Situate and being all Lower Matholiches in
 Wynton County in the aforesaid Colony and the other
 half to my Dear and Loving Wife Rose During her
 (natural)

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16th Dec^r 1100. Naturall life and after her Death that the said moyety by
 her possessed be given unto and possessed as the Heir & Estate
 of the male Child begotten by me on her, and if onely female
 that the aforesaid plantation Called Gerrards Reserve be after
 her Decease be give wholly unto my Son, John, he paying
 unto Each Daughter or Daughters begotten as aforesaid
 Tenn Thousand pounds of Tobacco and he the said John
 to possess the said plantation he and his heirs for Ever with
 all the Right and priviledges unless I otherwise dispose of it
 in my life time. In like manner I give and bequeath
 unto my Grandchild Gerard Eaton one young Negro
 about a year or two of age within one year after my Decease,
 to be in the Custody of his Guardians. Item I give unto my
 Daughter Mary her Choice of the intent and meaning is
 that shee take onely one out of all the Negro Girls born
 in my Custody as also one horse and one Mare to her
 and her heirs with their Increase and advantage for
 Ever to be delivered Immediately after my to her possession
 I give unto Each of Three Sons and five Daughters that
 shall survive me twenty Shillings Sterling to buy Each
 of them a Mourning Ring to wear in Remembrance of
 me, and also so much to my Sons in Law Daughters
 in Law and Grandchildren In like manner whereas I
 have given and markt two Mares with G^r for the
 use of Gerard Tucker my Will is therefore that the
 Increase of the aforesaid two Mares be Improved for
 the maintenance and Education and Schooling of
 the said Gerard Tucker and that they or two is good be
 made forth coming and delivered to the said Gerard
 Tucker when he arrivis at the age of Eighteen years
 as also I leave and give unto my Negro Boy baptiz'd
 and named Thomas one Thousand pounds of Tobacco
 to be bestowed upon for his Learning and Education
 at the Discretion of my Executors. Item I give unto
 my friend Mr. John Wangd one thing of the
 same Value and of these things above granted to
 my Children and if it shall hereafter happen att

(any)

(572)

16:96. n^o 6 Any time hereafter that Ambiguity Doubt Question or
 Controversie do grow or rise Concerning the true meaning
 and Intent of this my will and Testament I will therefore
 that my Executor and Executrix Choose Each of them a
 Judicious person and according to their Verdict for the
 Doubt and Dispute be ended without Commencing a Suit
 all Law my Will is hereby that Whatsoever Gifts and
 Deeds are by this Will given and made over unto my now
 Loving and Dear wife Rose. be by her accepted as full
 and complet of all Dowens or Heirs belong unto her
 by Law of my Personall and Real Estate and if otherwise
 that she shall have no Right Claim or Title to any thing
 by this my Last Will and Testament In like manner
 I give and bequeath unto my Eldest Son Justinian my
 whole Right Title and Interest to any Land or parcel of
 Land lying within the Kingdom of England to him
 and his heirs for Ever Here I will that whereas was
 given by me in a Deed of Gift four Negro Slaves servants
 twelve Linn with Caloes by their Sides Or with two feather
 beds with furniture with other household furniture con-
 tained in the said Deed of Gift made the 28th of January
 last by past and to be acknowledged in Court by attorney
 already for that End appointed I will that the a^d. Deed
 and Every Clause therein Contained be Vailed and of full
 and made forth coming for the use of the four Children
 therein mentioned And if any of the four Negroes dye before
 their deliveries to the severall Children that the Dead Negro
 or Negroes be made good by supplying of other as good
 Live Negroes as they were before their Death, I will in
 like manner that what Male heirs are by me begotten
 on my now Loving Wife and so depending for them
 and their heirs the Mayeties of Saint Clements Mannor
 Balford Mannor and lying and being in the Province
 of Maryland and the Moity of that Plantation Called
 Gerrards Reserve on Mattakuck in the Colony of Virginia
 jointly with my Eldest Son Justinian and my Youngest
 (Son)

(573)

Lib. D. No. 6. Son John that then the aforesaid male heirs by me so begotten shall pay unto each daughter or Daughters so by me to be begotten accordingly as I have ordered already to be paid by my Sons Justinian and John for their several possessions and also my Will is that if there shall be a second or third son by me so begotten that the eldest possess the whole moiety aforesaid paying to each young or Brother forty thousand pounds of Tobacco and my will is further that my Debts and Legacies bequeathed being well Contented and paid then how many soever Negro Slaveservants shall come to the possession Right and personal Estate of my now Loving and Dear wife Rose being by her Enjoyed During her natural Life shall after her Death be Equally divided amongst the Children Male or female by me or her begotten and whereas in the Margent of this Sheet is written mark ~~with~~ a Cross x (the intent and meaning is that she take only one out of all) my Will is to Establish the said Valid as the Contents. In witness and Confirmation of this my Last Will and Testament I set my hand to both Sheets thereof and to this last have fixed my hand and Seal Seal Day month and Year of above Written.

Signed Sealed & Delivered

in the presence of us

John Waugh

Isaac Allerton

John See

Thomas Gerard Seal

John Couper

68.

Die Martis 13^o January 1673

60126 Elizabeth Preston the Widow & Executrix of James Preston, late of Prestons Necks in Calvert County Deceased and Exhibited the last Will and Testament of her deceased Husband Requesting to have the same proved, by the Judge for Probate of Wills &c. to be approved whereupon John Clifford and Edward Bental two of the witnesses to the said Testament being

(Sign)