Lib.r Z

Which were the Said William Smiths within this Province at the time of his ~~Death~~ Decease, And to make a true and perfect accompt of the Same when Shee Should be Demanded thereunto. —

22 March 1637.

Cecilius Lord Proprr. &c. To all Christian people to whom these presents Shall Come Greeting Whereas William Blisard late of the Isle of Kent planter, being weak in body but of perfect Sense and Memory did make his last and Will and Testament nuncupative in Manner and form following, that is to Say, being asked by Henry Crawley of the Same Island Planter and at that time the Mate & Partner of the Said William Blisard in all his personall Estate, What course he did intend to take for the disposing of his Estate, and who Should have it in Case God called him by death, The Said William Blisard answered in these Words, Who Should have it but you (meaning the Said Henry Crawley) and being again demanded whether he were in good remembrance of what he Said, he answered again, Yes I praise God, and all that I have I give to you; meaning the Said Henry Crawley, as is deposed both by the oath of the Said Henry Crawley taken before the Said Henry Crawley taken before the Sec. of our Province and by the Severall Oaths of Richard Burbiage and Matthew Price of the Same Island Planters taken in the same Island by our Lieutenant Generall of our Province: Know ye therefore that We do hereby approve the Said Last Will and Testament of the Said William Blisard and do admitt and approve the Said Henry Crawley to be full and Sole Executor of the Said last Will and Testament of the Said William Blisard and to do and Receive all things which unto an Executor do belong of Roman Right.

Given at St Maries

Henry Crawley Sworne to the Words above Mentioned.

Sub Brief Record X

August 27th 1638

John Medcalfe Gent. Deposeth, that Coming to John Smithson Late of St Maries Planter Deced. lying then very Sick, he asked the Said John Smithson how he would Dispose of his Estate in Case God Should call him in that Sickness. And the Said John Smithson answered this Deponent in these Words, All that Ever I have (Meaning in this province) Shall have coming out of England I freely give to my Wife

John Medcalfe.

Lib.r Z

Eod. die

William Lewis planter deposeth that coming to John Smithson aforesaid the day before he died the Said John Smithson among other Discourse complained to this Deponent that he Should leave his wife a poor Widow: to which this Deponent answering, that in Gracious of God he would leave her Well enough to Live, the Said John Smithson replied in these Words, all that I have I leave her, and I had more She Should Enjoy it

William Lewis.

Upon these depositions of John Medcalfe and William Lewes the Judge did approve the Said Last Will and Testament of the Said John Smithson.

Cecilius &c. Whereas John Smithson Late of St Maries planter Deced being in perfect Sense and Memory did make his last will & Testament nuncupative, and therein did give and bequeath unto his then Wife anne all that Ever he had within this Province and Whatsoever he Should have come out of England Know ye therefore that we do hereby approve the Said Last Will and Testament of the Said John Smithson and do admitt the Said Anne to be full and Sole Executrix of the Same Given 27th day august 1638.

13th October 1638.

This Day came Thomas Hebden Planter and alledged an Impediment against the Probate of any Will of James Ditches Late of St Maries Servant deced, for that by a Mutuall Contract between the Said James and Thomas, the Said James had obledged himself to the Said Thomas and likewise the Said Thomas to the Said James, that their Estates w.ch they had in this Province Should be Joined in one, and neither of them have Property in Severall and apart from the other in the Estates so Joined or any part thereof untill it Should be Severed again upon such Terms as in the Said Contract was agreed, and therefore that neither of them without the other Consent Should have power to dispose of any part of the Said Estate so Joined Either by Will or otherwise, but the Survivor of them was to Enjoy and Retaine the Whole and he desired that this Surprised incident might be Entered, and offered himself ready to prove the Said allegation, Whensoever he Should be thereunto Called

Memorandum that the above named Thomas Hebden acknowledgeth himself to owe unto Thomas Cornwaleys Esq.r [illegible] the Sum [illegible] five hundred