Lib.r PC. N.o C. Testament I hereunto put my hand and Seal the fourth day of
December in the year of our Lord God One Thousand Six hundred
Seventy and Three - - - - - - Luke Gardner Seal'd -
Sealed Signed and published
in the presence of
Robert Carvile
Clement Hill -
Elizabeth Rider
Richard T. Lanchfores marke.
And the said Robert Carvile further made Oath that upon the
Sixth day of July prout Affidavit (Viz.) Whereupon the
Judge here Considered that there being no Executor in the Will
named the said Luke Gardner was Dead as Intestate and -
therefore Ordered Letters of Adm.on to Elizabeth the Widdow of
the said Luke to be Committed and that Maj.r Thomas Brooke
Zachary Wade William Hatton and Randall Hanson -
or any two of them be apprizers of the said Estate and that
Benjamin Solley or John Stone Gent.n Do Swear them and -
in Regard Elizabeth the Wiedow of the said Luke is Unable
to travaile so farr as to St Marys Ordered further that Com-
mission Issue to Thomas Notley and Benjamin Solley -
Gent.n to administer unto her the Oath of Adm.r and to
take Bond in Double the Vallue of the Good and Chattells
of the said Luke for her true Adm.on of the said Goods & Chattells
Which affidavit being forgotten to be Recorded in its due -
place follows in these words as followeth - -
Robert Carvile of the City of St Mary's Gent.n Aged thirty
Eight Years or there abouts being Sworn and Examined -
before the Hon.ble Philip Calvert Esq.r Chief Judge for -
Probate of Wills and granting of adm.ons touching the probate
of the Will of Capt.n Luke Gardner Lately deceased Deposeth
and Sayth that he was by and present and did See the said -
Luke Gardner Seal Sign and publish his Last Will bearing
Date the fourth Day of December 1673 and now Shewed to -
him and that he this Deponent with Mr Clement Hill -

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(and)

Lib.r PC. N.o C. and others Subscribed their names as Witnesses to the same
and that the said Luke was then of Sound mind and Under
Standing and this Dep.t further Sayth that the said Luke
Gardner having been visited with a grievous Sickness -
and being upon Munday the Sixth day of July Last -
past in Some probable hopes of a Recovery being able to
walk out of Doors and the s.d Luke Gardner being at that
time of good Sound and perfect mind Memory and Under-
Standing though weak in body and this Deponent having Some
Discourse with the said Luke and his Wife Concerning that
part of his the said Luke's will wherein he declares his Will -
to be that none of his Children Should be of age to Sell give or
dispose of any part of his Land by the said Will to them be-
queathed Unlike he or they attain unto the age of Twenty &
five years and his Wife and this Dep.t then advising him
to alter his said Will in that particular and make them
of age to Sell give or Dispose of the same at one and Twenty
years of age or to Explain himself more fully in that Case
if any of his said Sons Should happen to marry and have -
Children before they attained the said age of five and twenty
years what provision Should be made for Such wife and
Children in Case Such Son Should Dye before five and -
Twenty years of age to which the said Luke replyed -
that if it pleased God to Recover him in his health he
would have the said Will in that particular Amended
but however he then did Express and Declare his true -
Intent and meaning to be that the reason why he -
Mentioned it So in his Will was that they might not
Sell away any part of their Respective Estates, being
that he said he had no Land but what was Special good
Land and he would not have it go from his Children -
but he did never Intend that the Wife or Children of
any of his said Sons Should be hindred or Debarred from
having or Claiming their Rights thereunto as the Law
in that Case do provide for them nor Should the said Will
nor any part thereof hinder or Debarr any of his said -
Sons in Case they married before five and twenty from
Selling any of their Lands by way of Jointure or -

(other)