Lib.r JC. No C.

That had he Liued he would in writing have Settled it accordingly and Judged the Will in writing to be revoaked by the Nuncupative Will and ordered Adm.on to be granted to Mary Farboe the Widdow of the Said John Farboe with the Said Nuncupative Will annexed which nuncupative Will Sets in these Words Viz.t

Die nono martij. 1674.

John Jordan Saith that upon Thursday morning the fourth of this Instant March he Came to the house of Dec.d Coll. John Farbo and finding him Sick he the Said Jordan advised the Said Farboe to Settle his affairs that his Wife and Children might not after his Death be put to trouble Whereupon the Sd. Farboe desired the Said Jordain to Send for Mr. Edward Clarke to Come to him on friday Morning following to Make his Will, and Said he did intend to alter his Will made Some years before because he had Some Children born Since the making the Said Will and that in regard his Daughter had Some Land to be made good to her by Mark Cozden and Walter Hall Gent. he was resolved to have his own Land now divided between his three Sons Viz.t To John Farboe the Seat of Land where he then Liued with one Nigroe together with his Right to One Hundred and fifty acres of the Mill Land where William Meely lived and the Mill Stones Exchanged with the Said William for the

485 one hundred and fifty acres where the Said William now Liues as also one Equall Share with his Brothers Sister and Mother of the Cattell horses and Mares and household Stuff, to Peter Farboe the 300 acres of Land bought or Exchanged with Henry Aspinall by St. Sawrences Creek in Brittons Bay with one Nigroe and an Equall Share of Cattell horses and mares and Moveables. To Henry Farboe 500 acres in the branches of St. Laurences Creek One Nigro and an Equall Share of the Cattell horses and mares and Moveables as aforesaid To Mary Farbo his Daughter the Silver Tankard and his Silver Spoons One nigro an Equall Share of Cattell horses Mares and house hold Stuff or moveables. To Mary Farbo his wife the Man with one Eye and the old woman Called Cue and Abou by name and an Equall Share of the Moveables and only the Mare Bonny and her Colt of the horses his own Riding horse to be kept undivided for the use of the plantation

(Upon)

Lib.r JC. No C.

Upon which plantation his wife Should Liue during her life if She pleased he desired the Chancello.r and the Said John Jordan to manage the Estate of his Children to Edward Barbier he gave a young Filly and a heifer whither he Stayed with his Wife and Children upon the plantation or not, and he the Said Farbo then bid the Said Jordain to take Notice that this was his Will in Case God almighty Should take him before he Could make his Will in writing and then Said that the next morning he would Send for Mr. Edward Clark to put his Will in writing and to Mr. Foster to give him the last Sacraments and Likewise declared that in Case any of his Children dyed before they Came to age that his Will was that that Childs part Should be Equally divided between the

486 Mother and the rest of his Surviving Children and in Case all his Children dyed before they Came to age he gave his whole Estate to his Wife

John Jordain made Oath to this Nuncupative Will the 11.th of March 1674 Philip Calvert

But in Regard according to the Rigor of the Law of England the Younger Sons of the Said Farboe Cannot Claime the Lands to them given by the Said Nuncupative Will and hold them against their Elder Brother the Judge here thought it fitt to Cause the first Testament to be recorded onely to Serve as an Inducem.t to his Lordship in his Chancery or otherwise by act of Assembly to Supply the Defects of the Said Nuncupative Will in favour of the Younger Sons of the Said deced and by one of those Meanes to Secure the Estates in Land to them by their deced father given who in his life time was allways his Lordships faithfull and not unfortunate nor unprofitable Servant which Testam.t follows the words viz.t September the 4.th 1671.

In the Name of God amen.

I John Farboe of Brittons Bay in the County of St Marys being weak in Body but perfect in mind and Memory Do therefore make and Ordain this my Last Will and Testament in Manner and form following. First I bequeath my Soul to God that gave it and my body to the Earth to be Decently buried at the discretion of my Overseers hereafter

(mencond)