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her Body Should die before they come of Age Then I do give all my Estate Real and Personall unto Cecily County for the maintaining of Goody Minder four yeares I give unto my Daughter Barbeck all the Cattle and Hoggs belonging to my plantation Barley all but One Bed and Bolster with belongs to her brother John Howell Also after her Mothers decease the great feather bed and furniture that belongs to it Wholly the rest of my Estate I give and bequeath unto my two Sons at my decease equally to be divided Between them if they shall Live to do it

(157) Lykely I do will that my two Sons Shall be my Sole Exec^rs and that my Son in Law John Barbeck Shall be Overseer of this my last will and testam^t in witness here of I the said Thomas Howell have hereunto Set my hand and Seal this 5th of Sebtob. 1675

Thomas Howell (seales)

Robert Sanders, 1675 — Robert Roote

Warrant of

I do hereby Certifie that By virtue of the power to me Granted from Philip Calvert Esq^r Judge or Cuttos Gen^ll for probate of wills and Graunting of Adm^cons have taken the Oaths of Robt Sanders and Robert Roote upon the Holy Evangelists that the Last Mr Howell deceased did declare the within mencioned Will to be his Last will and testament and that the Deed and that the Said will is all written by himself Sworn before me this 28th Nov^r 1675 Said witnesses were accordingly

Jos: Hopkins

Whereupon the Judge proceeded the Said testam^t Subsequently proved and considered that the Said John Howell was now Capable of the Executorship and therefore decreed Letters Testamentary and of the goods and Chattels of the Said deced Thomas Howell to the Said John Howell to be granted as well to his owne use as to the use of Nathaniell Howell his Brother during the minority of his Brother and the Other Exec^r in the Testament named Joseph Hopkins to Administer Appointed and that Commission Sworn the Oath of Exec^r to the Said John Howell As also to Swear William Galloway and Wm Sales Burgesses which Testamentary Com. and Seald under the Seale of this Court immediately Inventory to be returned in 8 months.

6 1/2 Sides

Nathaniell Stiles of Cecill County Gent^t Judge here to (158) understand and be informed that by the Said testament he is Appointed John and Nathaniell Howell to be the Exec^rs of his Said Last will and testament And that the Said John was Seventeen Yeares of Age and has Chosen him the Said Nathaniell Howell his Guardian and prays Com. to prove the Said will and Adm^con to be Granted during the Minority

But the Judge here Considering that all persons of Sound memory and other wise by Law disabled Except the Age of Seventeen Yeares Capable of being Exec^rs and Guardians and therefore ordered that Barbeck repair to Jos: Hopkins Gent one of his Exec^rs Justices of the peace for the Said County to take proof of the Testament of the Said Deced and to Administer the Oath of Exec^r to the Said John Howell upon Collation Testamentary and Chattells Rights and Credits of the Said deced Thomas Howell to the use of all and Singular the goods The minority of Nath Howell as to the guardian

(159) Brother

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Brother the Other Exec^r in the Said testam^t named and that Wm Galloway and Wm Salesbury be appointed of the Goods and Chattels of the said Barbeck and that the Said Joseph Hopkins do swear them w^ch Ltres testamentary Comission, warr^t to Appoint be issued under the Seal of this Court unediatly Inventory to be returned in 3 months

And forasmuch as the voyage up the bay is dangerous in this Winter Season the Said deceased the testament of the Said Barbeck now Exhibited in Court to be recorded which follow these words viz^t

In the name of God Amen I John Barbeck of Cecill County in the province of Mary Land being weake in body, but blessed be God of a sound and perfect mind & memory knowing that death is certain, and that the time thereof uncertain have thought fitt to make this my last will and testament, hereby revoaking all former wills by me made, First I give and bequeath my Soul into the hands of almighty God from whom it came, it came hoping through the Merits of Jesus Christ to Injoy Everlasting life and my body to the Earth to be buried in Such manner as my Exec^rs here after named Shall think fitt. Secondly I give to my Loving wife Sarah Barbeck all that She brought for her portion from her father and Mr Francis the daughter of Mary the Negro woman to be delivered to my said wife before any Estate be other wise devided Thirdly if my wife be with Child that then I give to my said wife the (160) third part of my Estate both Real and personall after my Just debts paid and the other two parts to the Child and to its heirs for ever Except Such Legacies as are hereafter mentioned but if it so happen that I have no issue that then I give the third part to my wife as aforesaid and the other two thirds to John and Nathaniell Howell the Sons of Capt Thomas Howell to them and their heirs for ever that is my Reale and personall Estate the two thirds as aforesaid the Legacies hereafter mencioned Excepted and Reserved Fourthly I give as a Legacy to James Simonds that I have bred up two Sows and the Increase Mare, to be Amounted As from the Appraisement of my Estate And to be kept by my wife with their Increase till he come to Lawfull Age And to be delivered to the Said James, And in the Mean time that my wife give Account of the same to the County Court yearly And that the Said James Simonds be wholly under my wifes tuition till he be twenty and one years of Age And further I will that the Said James Simonds be kept at School during the whole Year of Our Lord 1676 at the discretion of my Exec^rs Fifthly I give unto my Servant John Reed One heifer that will be two Years old the next Ensuing Spring with her increase to be delivered unto him at the Appraisement of my Estate Sixthly and for the better Explaining of the Second and third Articles of my last Will and testament I Say I give to my Loving wife Sarah as a Legacy all those things that were given her by her father together with the Negro woman Mary and the Girle Frank that was born Silver had her, This to be taken Away before my Estate be appraised or divided and my wife have it Sworn by me that then my wife having her thirds I will the Child that may be born have the Other two thirds of my Said personall Estate after all Just Debts and the Legacies above mencioned are paid but in Case I have no issue by my Said wife that John and Nathaniell Howell Sons have the two thirds of my Reall and personall Estate Also for them and their heirs for ever And also the Other third part of my Said after the death of my above named wife to go for the Said John and Nathaniell Howell and to their heirs for Ever And in case my Said wife Should have issue by me and Child or Children Dye before they come to Age that my Said Reale and personall Estate as aforesaid come to John and Nathaniell Howell and their heirs for ever, And if either the Said John and Nathaniell Howell dye before they come to Age or have Issue that then the Survivor have and Injoy all as aforesaid So that my mind and meaning is that after the death of any (161) of them that they may have by my wife Either the Said John and Nathaniel Howell have two parts of my Reall and personall Estate And after the decease of my wife that

(they)