May the 31st. 1733. Came Christopher Granger and William Price two of the Subscribing Witnesses to the foregoing Will and made Oath on the Holy Evangels of Almighty God that they Saw the Testator Thomas Kelley Sign and Seal and heard him publish and Declare the Same as his Last Will and Testament, And that at the Time of his so doing he was (to the best of their knowledge and Apprehension) of Sound and disposing Mind and Memory and that they the aforesaid Christopher Granger and William Price as Witnesses Subscribed the Said Will in the Presence of ye Testator

Sworn to before me

Jam Earle Com Cty

A Seal

March ye 23d. 1732/3

In the Name of God Amen, I John Austin of St. Marys County planter being very Sick and Weak in body but of Sound and Perfect mind and Memory Thanks be to God for The Same I do make and ordain this my Last Will and Testament In Manner and form following

First I Bequeath my Soul Into ye hands of Almighty God That gave it and my body I Recommend to ye Earth to be buryed at ye Discretion of My Executors hearafter Named

Imprimis I Give and Bequeath unto my Godson Austin Sanford Smoote Three feather beds and furniture Equivalent as also Seaven Cows and Seaven Calves and Thirty Pounds of New Pewter and Three Iron Potts, Viz. One Tenn Gallon pott, One Three Gallon Pott and One One Gallon pott and One Young Mare of Three Years Old and her Increase for Ever and also one Young Filly of four years old And Likewise One Young Horse of foure Years Old, and Three Sows and Pigg which I Give to him ye Said Austin Sanford Smoote and his heirs for Ever

Item I Give and bequeath unto William Harrison my Grandson In Law a Certain Parcell of Land part of the plantation which I now Live upon Begining at a large Beatch Tree Standing by a Spring near the Side of the Creek Running from thence with a Streight Line Into ye Woods to a large Pine Tree Standing near ye Edge of my line Thence with my Line to a Chestnut Post Standing in ye Old field And from Thence to ye Creek and the Said Parcell of Land to be in ye possession of William Harrison (ye Sonn of ye above named William Harrison) to him and his heirs for Ever after ye Decease of my Loving Wife Ellinor Austin

I Give and bequeath unto My Godson Austin Sanford Smoote all ye Remainder part of ye Tract of Land which I now live upon to him and his heirs for Ever, and my Will is ye William Harrison do plant or Cause to be planted two hundred Young Apple trees on my Above said Godsons part of Land and to Endeavour to Defend any Law Sute on Account of the Said Land.

Item

Item, I Give and bequeath unto my Daughter In Law Elizabeth Trigg One Young Black Horse Named figure It is my true Intent and Meaning that my well beloved Wife Ellinor Austin Shall have the Benefit of my Estate ye I have now bequeathed Durcing her Naturall Life

And also it is my True Intent meaning and Desire That if my Godson The Said Austin Sanford Smoote Should depart this Life without Lawfull Issue That then my Desire is ye my Son in Law John Smoote Shall Inherrit ye Land ye I have bequeathed unto my Godson Austin Sanford Smoote to him and his heirs for Ever

I Give and bequeath unto my Godson Austin Sanford Smoote One Small Ovall Table And a Cubbard Also I Give unto my Godson Austin Sanford Smoote when he Comes of Age to Receive His Estate Twenty Barrells of Indian Corn.

Item I Give and bequeath Unto my Two Sons in Law Viz. John Smoote and William Harrison a Certain Tract of Land Lying and being In Stafford County Containing One Thousand Acres more or Less Adjoyning to Acquiah Creek In Virginia to them their heirs and Assignes for Ever.

Furthermore I Do Design ye if my well beloved Wife Ellinor Austin Should Depart this Life before the Said Austin Sanford Smoote attain to ye Age Twenty One Years then it is my Will and Desire ye my Son In Law John Smoote Shall have his Estate In Possession till he arrive to ye Age of Twenty One Years Excepting my Negroes

I Give and bequeath unto my God son Austin Sanford Smoote my Negroe Woman named flora and her Increase for Ever. as also a Young Negroe boy Named William Tate which I Give and bequeath to him and his heirs for Ever

And furthermore it is my Will and Desire that if my Godson ye Said Austin Sanford Smoote Should depart this Life without Lawfull Issue Then ye above Said Negroes and Their Increase I bequeath unto my Grandson William Harrison And his heirs for Ever

I Likewise Constitute Ordaine and Appoint my Well beloved Wife Ellinor Austin and my Son in Law John Smoote my Sole Executrix and Executor of this my Last Will and Testament Revokeing & making Void all other former Wills by me made In Witness whereof I Have hereunto Set my hand and affixed my Seal ye Day and Date first above Written

John Thomas
Absola his A Tenison Mark
Thomas his T Doxcey Mark

John his ✠ Mark Austin (Seal)

At ye foot of ye aforegoing Will was ye following Probate thus Written, ft

July