

(270) In the Name of God Amen. The fifth day of July in the year of our Lord one thousand seven hundred and ninety six. I Peter milby of Accomack County in Virginia Being very sick and weak in body but of perfect memory Thanks be given unto God therefore, calling unto mind the mortality of my body and knowing that it is appointed for all men once to die, doe make and Ordaine this my Last will & Testament that is to say, Principally, and first of all, I give and Recommend my Soul into the hand of God that gave it; and for my body I Recommend it to the Earth to be Buried in a Christian like & decent manner at the discretion of my Executors. Nothing doubting but at the General Resurrection I shall receive the same again by the mighty power of God, and as Touching such worldly Estate, where with it hath pleased God to Bless me in this life, I give devise and Dispose of the same in the following manner and form - I constitute and ordain my beloved wife mary milby my whole and sole Executrix of this my Last will & Testament - Item I give and bequeath to my well beloved wife Mary milby all my Plantation and Land more or less, except one Acre of Land lying over y<sup>e</sup> Road that goes down the neck to James Farfax & all the Houses, during her widow, and when my Son Nathaniel milby comes to the age of Twenty one, then my well beloved wife Mary milby is only to have her third of the Land, if she remain a widow my said Son is to stay with her till he comes to y<sup>e</sup> age of Twenty one, in case she Marries again, my said son Nathaniel milby is to be free at Eighteen years of age, & receive his Estate at that time, and if my beloved wife Mary milby, Marries again and my Son Nathaniel milby of the age of Twenty one, then my beloved wife Mary milby is to turn off the Land & have no Right in it any more or longer. I like wife give and bequeath unto my well beloved wife Mary milby all the Corn, <sup>wheat</sup> Oats, & Tobacco, Syder, and Brandy, and Syder Cask, all the Corn, wheat Oats, & Tobacco that is growing on y<sup>e</sup> Ground out of y<sup>e</sup> Doors, and in y<sup>e</sup> Doors, all the Mead it is in y<sup>e</sup> Houses at my Deces. I like wife I give and bequeath to my well beloved wife Mary milby, all my Reggs, I give & bequeath unto my beloved wife Mary milby, y<sup>e</sup> Choise of one horse whole and Soly to her self. It is my will and desire that all my debts be paid before the present of my Estate made - Item I give & bequeath unto my beloved son Nathaniel milby one Iron post, of y<sup>e</sup> weight of Twenty, odd pounds Lykeways I give and bequeath my said son Nathaniel milby, two three year old Horses, & my son Nathaniel milby is to have and Receive that part of the Estate that his grand father left him in his will in particular after his grand father left him in when he receives the Estate I give him, and to have no more part in my Moveable Estate but only this - Item I give & bequeath to my well beloved son Peter milby, one Acre of Land, lying over y<sup>e</sup> Road that goes down the neck to James Farfax; I give & bequeath to my son Peter milby, one Negro Boy named Robin, to him and the heirs of his body law fully begotten in case he has no lawfull heirs of his body, then to his two Youngest Sisters then a live equally betwixt them. if my beloved wife Mary milby, remain a widow, then my said son Peter milby is to stay with his mother till he is y<sup>e</sup> age of Twenty one, but if she Marries again, or dies, then my said son Peter milby to be free at eighteen years of age, to receive all the Estate that is wholly left by his his father and y<sup>e</sup> whole part of Estate that his grand father left him after his death. Item I give and bequeath all the remainding part of my Moveable Estate, out of the Doors, and in Doors, to be equally divided among my beloved wife Mary milby, and my Daughters, and my youngest son; my Daughters Rosanna, Elizabeth, Sebia, Lukecephas; & my son Peter, and Daughter Agnes, not to receive their share till they come to y<sup>e</sup> age of Eighteen Except they Marry - - Item my desire and will is in case my well beloved wife Mary milby, should die, before my Children comes to age that Francis Roberts shall take my son Nathaniel milby & my youngest Daughter Agnes milby and their Estates; who is both left them by me and their Grand father; and keep them and their Estates till they come

to age at sixteen years ~~old~~ my daughter Agnes to be free, but not to have her  
 State till she is the age of Eighteen and my son Nathaniel Milby to be at age  
 Eighteen years old and then to receive his Estate if my daughter Agnes shall  
 marry before she is Eighteen then she is to have her Estate before my  
 demise and will is in case my well beloved wife Mary Milby shall die before my  
 demise comes to age that John Fogge, shall take my son Peter Milby &  
 my daughter Lukelapha Milby, & their Estates, well in both last their by me  
 and their Grandfather and keep them and their Estate till they come to age  
 at sixteen years old my daughter Lukelapha to be free but not to have her  
 Estate till she is the age of eighteen, and my son Peter Milby to be at  
 age at Eighteen years old, and then to Receive his Estate if my daughter  
 Lukelapha shall marry before she is eighteen, then she is to have her Estate  
 as hereby Mary Malloy Resoke & Marshall all & every other former Testaments, Wills Lega-  
 cies, and Executors by me in any way before this time named Wills & bequeath  
 Ratifying & confirming this & no other to be my last will & Testament in witness  
 whereof I have hereunto set my hand and affixed my Seal the day  
 & year above written

Underlined these words: wife his Agnes, before signed sealed & delivered  
 signed Sealed, Published, Pronounced  
 and declared by the said Peter Milby the within last will & Peter Milby  
 at his last will & Testament in Testament of Peter milby see  
 & presence of us  
 John Robertson  
 John Smith  
 Arthur Downin  
 was proved in open Court of Accomack  
 County by the oaths of John Smith &  
 Arthur Downin who also made oath of their own  
 John Robertson figure of same as an Evidence to it same  
 month of 7<sup>th</sup> 1726. well & for admitted to Record  
 Teste Cha. Smead Clerk for Accomack  
 Received March 16<sup>th</sup> 1726

This Indenture made the thirtieth day of December in the year of our  
 Lord one thousand seven hundred & twenty six between James Davis now of North  
 ampton County in Virginia Planter of the one part and Jane Dally of Accomack  
 County in Virginia of the other parts Witnesseth that the said James Davis  
 for his good cause & consideration of four thousand pounds of Tobacco by me sold  
 & sold Received of the said Jane Dally the Receipt whereof does hereby Acknowledge  
 & delivered unto the said Jane Dally his heirs and assigns for ever certain plantation  
 & parcel of Land containing one hundred acres Situate lying & being in Accomack  
 County Virginia near of hand of Gifford Creek bounded on the land of Gifford  
 & on the land of Samuel Davis son of land of Henry Wright on the one and  
 on the land of Robert Taylor of the land being left to me of the land of my father  
 Robert Davis late of the County of Accomack &c. as may appear by his last  
 will & Testament to have and to hold of the said one hundred acres of Land with  
 all houses orchards gardens, Pastures, fences wood & all other profits, profits  
 his & heriditaments whatsoever thereunto belonging warranting & said  
 Jane Dally his heirs & assigns quiet & peaceable of possession of the said  
 one hundred acres & every part & parcel thereof for ever against all claims from  
 the Moleration or Incumbrance of me my heirs & assigns or any  
 other person or persons whatsoever claiming any Right title use Interest  
 to the said premises or any Part thereof by from ourselves or any of us for  
 ever hereafter soe that neither I my heirs & assigns nor any of us  
 for ever hereafter shall ask Challenge Claim or demand any Right  
 title use Claim possession or demand to the said Land or any part or parcel  
 thereof but for ever hereafter we & every of us to be utterly excluded and  
 for ever debarred by these presents from any part or parcel thereof from  
 that I the said James Davis by these presents Covenant and agree to & with the said Jane  
 Dally his heirs & assigns lawfully possessed of the said one hundred acres of Land  
 & I have full power & authority to sell & dispose of the same for the true use  
 & performance of all & singular of the Covenants Grants Sales & Deliveries above Men-  
 tioned to be fully kept & Complied with according to the full intent & Mean-  
 ings thereof & I the said James Davis do hereunto set my hand & seal the  
 day & year above written

signed & delivered in presence of  
 John Johnson  
 Robert Bailey  
 The within deed of sale of Land was acknowledged in open Court of Accomack  
 County by James Davis as his act & deed  
 to Jane Dally March 17<sup>th</sup> 1726. well & for admitted to Record  
 Teste Cha. Smead Clerk for Accomack  
 Recorded March 17<sup>th</sup> 1726