

body lawfully begotten but for want of such heir to fall to my son Peter Herbert his heirs: my Desire is that if either of my sons before mentioned shall have a desire to sell their land I give them full power to sell the one to the other one other wife and if they cannot agree unto the valuation of the land then the nearest neighbours chosen by each party shall set the valuation of the land then I give & bequeath unto my son Thomas Herbert my plantation which he now liues together with as much land Joyning to said plantation all manner of meadows & acres lying in prince Anne County to him & his heirs for ever Imprimus I give & bequeath to my son Th^o Herbert all the remainder part of said Tract of land whereon I now liue to him & his heirs for ever my will & desire is that if either my sons Thomas & John Herbert shall die without heir that the other shall enjoy the whole Tract (Item) I give & bequeath unto my son William Herbert my negro man called Ball to him & his heirs for ever Item I give & bequeath unto my son Peter Herbert my negro man called Daygon to him & his heirs for ever further my will & desire is that my sons shall all be of full age at eighteen years old to receive their portions & before thomsolue can at their own disposal (Item) I give & bequeath to my daughter Elizabeth Bachelor one feather bed & what furniture belongs therunto (Item) I give & bequeath unto my daughter Mary Suggs one feather bed & one Cow & yearling all which she hath in possession Item my will & desire is that all y^e remainder of my Estate both personall & real when I am whose hands I souer after my Just Debts paid shall be Equally divided between my Daughter well beloved wife Elizabeth Herbert & my sons Thomas, John William & Peter Herbert & my daughter Dinah, Margret Violot & Ann Herbert but my desire is that if my wife should remain unmarried she shall have the top to her self all this remaining part of my Estate which is to be divided until the youngest of them which shall first shall come to age: but if she shall marry then their shall be an Equal Division made amongst them as aforesaid my wife keeping her own part & her children & my son Thomas to take his own part & the other his young brothers and sisters when they come I go & do appoint my wife Elizabeth Herbert & my son Thomas to be my Sole Executors of this my last will & Testament In witness whereof I have hereunto set my hand & seals the twentyfourth day of April 1728

Principalli. A Council holdy: 7th August 1728
Then the within last will of Mr. Herbert Esq^r. In
was presented in Court by Elizth Herbert his
wife who made oath thereto & being proved by the
oaths of William Corbett & Henry Philpott witnesses
thereto is admitted to Record

I God Amen I Elizabeth Smith of this County of princeps ann in y^e colony
virginia being of sound mind & memory but calling to mind y^e uncertainty
to be made and herein this to be my last will & Testament: I Impair
out into the hands of almighty God my exorator hoping through the
my Lord & saviour to receive full pardon & remission of all my
faeth to be payed in a Christian manner this to rest in hopes of
the last day for what worth by goods the Lord of his infinite Merc
low on most gentle dispose of in manner following. - Item I give unto
Smith my young boy marr also I give unto my daughter Martha
- Item I give unto my son George Smith one young bay horse
- Item I give unto my son William Smith one Iron still also one large
- my son William Smith one of rather bed of furniture - It I give un-
to Smith one new chest also two small boxes also I give to my son
Smith my black mare. It I give unto my son John Smith one
ker Tanhard also I give to my son John Smith one
- It I give unto my daughter Mary Smith one new feather
bed with two small dishes also one box Iron - also my will ad-
my stock of hogs & cattle & sheep all the remainder of my Estate that I have
out may be equally divided amongst them all. Item I also ordain my
the Smith to be my true last will & Testament performe
her of I have herunto set my hand & seal this 11 day of June Anno 1728

Princess Anna. At a Court held y^e 2. October 1728

Then the within last will of the said Smith was
proved in Court by her leg. who refused; but when
Meadow, & James were proved by the oaths of Dorcas
Broughton & Thomas Cockcroft witnesses, they
is admitted to Record.

