

may be recorded as a free gift from me to my said sons in my
life time if you please to move in my name and behalf for leave
that they may be recorded I nothing doubt it will be readily
granted I am with my service to the most honorable Court of Westmore
shires humble servant

7th the 25th 1706 Rich^d Lee

Westmored. L.S. } At a Court held for the said County the
25th day of September 1706.

Upon the motion of Nath. Mearns Esq^r within named, the within
deeds of gift from the Honble Rich^d Lee Esq^r within mentioned to
his several sons within also named were ordered to be recorded.

that

Ja. Westcomb clerk Com. Rich^d

Recorded primo die 8bris. 1706.

Pr

Eundem locum

In the name of God amen! I, John Middleton do make this
my last will and testament principally and first of all giving
my soul into the hands of God that gave it me &c And as
for what worldly goods it hath pleased God to bless me with
all I give and dispose of the same in the following manner, and
form Imp^t I give unto my son John Middleton my negro wo-
man called Jane and her young child which now sucks at
her breast, I give unto my son Robert Middleton my negro
girl called William - I give unto my son Thomas Middle-
ton my negro boy called Ned. I give unto my son Benja-
min Middleton my negro boy called Tony - I give unto my
son John Middleton all my working tools and a bed called John
bed

bed, the rest of my personal Estate my will is that it may be ap-
 praised in tobacco and to be equally divided amongst the rest
 of my children (to wit) Ely^a Mary and Alice Middleton, now
 for a cleare and plaine demonstration of this my will and
 Testament and of my desire in the same I do declare that
 my will is that my negroes before given to my sons to wit
 John, Robert, Thomas, Benj^a Middleton be appraised in to-
 bacco as the rest of my Estate before is ordered to be and likewise
 that my tools + + + to my son John be appraised in tobacco
 and if the value of + + + + + be given to my said son
 John and the tools + + + + + him shall amount to more
 than one eighth part of my Estate is in value that then
 my said son John shall pay unto my Executors in trust
 thereafter, named so much tobacco as they do amount to more
 than one eighth part of my Estates comes to, immediately
 after he has possession of the said two negroes and tools
 And if either of my other three sons negroes should amount
 to more than one eighth part of my Estate that then he
 or they immediately after possession of his or their negro or
 negroes amounting to more than his or their eighth part re-
 spectively pay unto my Executors in trust as much tobacco
 as the negro to him given comes to more than his or their
 eighth part And further my will is that all my debts and
 funeral charges be paid and discharged out of my perso-
 nal Estate before mentioned before any division of the same
 be made And whereas I have before in my last will and tes-
 tament ordered that if either of my sons negro or negroes
 should amount to more than one eighth part of my Estate
 before mentioned that he or they should pay the surplus to
 my Executors in trust my will is that my Executors in trust
 pay the same to my three children hereafter named (to wit)
 Ely^a Mary and Alice Middleton before named for this my last
 will and testament / And be it remembered that the year

funeral charges be paid and discharged out of my personal estate before mentioned before any division of the same be made And whereas I have before in my last will and testament ordered that if either of my sons negro or negroes should amount to more than one eighth part of my estate before mentioned that he or they should pay the surplus to my Executors in trust my will is that my Executors in trust pay the same to my three children hereafter named (to wit) Eliza Mary and Alice Middleton before named for this my last will and testament / And be it remembered that the reason that I have made no mention of my dear wife Elizabeth Middleton in this my will is that I know the Law of the Country provides that all widows shall have a child's part of their husband's estate and therefore I have before in this my will ordered that my children being seven should have no more than one 8th part of my estate a piece concluding that my wife before named would have the rest by law and my will is that my whole estate be kept intire and undivided upon my plantation in the County of Westmoreland where I now live for and toward the support of my wife and children so long as my wife continues a widow but if my wife should marry then my will is that my sons John Robert, Thomas and Benjamin Middleton have their parts of my estate (given to them in this my will) so soon as they shall severally attain to the age of 21 years old a piece and that my daughters before mentioned in like case have their parts paid unto them so soon as they shall attain to the age of seventeen years old a piece and my will is that all my

Land

land may be equally divided between my four sons John, Robert Thomas & Benjamin Middleton in quality and quantity share and share alike to them and their heirs forever, and I do hereby constitute, appoint and ordain my son John Middleton Executor of this my last will and Testament. And further I do appoint my loving brother Benedict Middleton and William Hammock both of this County of Westmoreland Executors and Executors in trust over my said Executor, to see this my will performed according to the true intent and meaning thereof hereby making null and void all former wills and testaments. I do declare this to be my last will and Testament. In witness whereof I have hereunto set my hand and seal this 14th day of March Anno Dom. 1705.

Signed, sealed, published & declared in John Middleton (Seal)
the presence of us Christop^r. Keate, George Harrison, John Kemp

Westmoreland: ss } At a Court held for the said County the 25th day
of September 1706.

The last will and testament of John Middleton within written was proved by the oaths of all the witnesses thereto subscribed and a Probat thereof granted to Benedict Middleton and William Hammock Executors in trust (wherein mentioned) during the minority of John Middleton Executor in the said will named.

Test
Ja: Westcomb clerk Com. Ric^{is}
Eundem Clerum

Recordatj primo die 8bris 1706.) R^o

This Indenture made the twenty fifth day of September in the fifth year of the reign of our sovereign Lady Ann by the grace of God of Engl^d Scotland, France and Ireland Queen, Defender of the faith &c. Anno Dom. 1706 Between John Spencey in the parish of Copple in the County of Westmoreland Gentleman of the one part, and