

Assigns for ever should have as good an Estate in fee Simple in four hundred Acres part of the Lands of their said Father James Philips as if his said Will had been Subscribed Proved and Recorded as aforesaid And that the said four hund<sup>d</sup> Acres were thereby expressly Devised to be equally Divided between the said Mary and Martha and their Heirs and Assigns for ever And it was also further Enacted by the Act aforesaid that the said James Philips the Son Anthony Philips Mary Smithers and Martha Paca their Exërs Adm<sup>rs</sup> or other Legal representatives should be and were by that Act Intituled to the same shares and Distributions of the personal Estate of the said James Philips the Elder as if his said Will had been duely proved and Recorded any Law usage or Custom to the contrary notwithstanding Saving to his most Sacred Majesty his Heirs and Successors and to the Right Honourable the Lord Proprietary and his Heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in that Act their Severall and respective Rights And Whereas it is represented to this Present Session of Assembly That before the passing the said Act the said Anthony Philips being possessed of Several Tracts of Land belonging to the said James Philips the Elder but which of Right would have belonged to the said James Philips the son after the Death of the said Anthony Philips as Heir at Law to the said James Philips the Elder Devised the same to his Sisters Martha Paca and Mary Smithers in the said Act mentioned and Died and That after the passing the said Act the said Mary Smithers and Martha Paca claimed the said Lands so Devised by Anthony Philips as also the Lands given to them by the said Act as their own and had committed great Waste and Destruction thereon And Whereas it appears to this Assembly that a Citation issued out of the Court of the Commissary General of this Province against the said Martha Paca and Mary Smithers to answer such Questions as should be asked them concerning the said Will of James Philips the Elder upon the return of which Citation the said Mary Smithers Appeared and Deposed That she then knew of the said Will that the same was in her Possession And which She then Produced to the Commissary Generall And that she found the same with part of the Preamble Torn off amongst some old Papers belonging to Aquilla Paca who was the Husband of the said Martha (at the Instance and for the Benefitt of whom and the said Mary Smithers the said Act was Obtained) But that she the said Mary Smithers knew not how the said Will came there And Whereas it also Appears to this Present Assembly that the said Will was proved the fourth Day of June Sixteen hundred and eighty nine before Henry Johnson then Specially Appointed for that purpose And which said Will was then ordered by the Commissary Generall to be Recorded and now Remains on Record by which the Inheritance of some of the aforementioned Lands Appears to Descend in a manner different from that Directed

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