

Liber LL, 5
Acts

provement thereunto belonging and all the Residue of his Lands except Four hundred Acres to be divided equally betwixt the said James and Anthony And the said four hundred Acres to be equally divided betwixt the daughters Mary and Martha and all his Personall Estate except the Stock on Phillips Island to be equally divided amongst his said four Children and appointed his Eldest Son James to be Executor that it appears the Testator Intended that all his Children should have Estates of Inheritance in the severall Parcells of Land devised to them which last will and Testament was either lost or Purposely destroyed and by that means the Intentions of the Testator were frustrated and the devisees without remedy without the aid of the Assembly the said James Phillips the Son Claiming all his fathers reall Estate by descent as heir at Law of his father And Whereas the said Anthony Phillips in his life time by his last will and Testament in writing duely Executed gave and devised severall Parcells of Land which he claimed by Virtue of his fathers Will to severall Persons which his the said Anthonys devisees are in danger of being defeated of by the loss or destruction of the said will wherefore it is Prayed that it may be Enacted. And be it Enacted by the right honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governour and the upper and lower houses of Assembly and the Authority of the same that the reall Estate of the said James Phillips the elder except Phillips's Islands and four hundred Acres of his other Lands shall be deemed the Estate of Inheritance in fee Simple of the said James Phillips the Son and Anthony Phillips their heirs and devisee or of others having their Estate as if the last will and Testament of the said James Phillips the elder had been Subscribed in the Presence of Three Creditable Witnesses duely Proved and Recorded and that the said Lands were thereby expressly devised to the said James and Anthony to be equally divided between them and their heirs for ever. And be it further Enacted that the said Mary Phillips now Mary Smithers wife of Richard Smithers and Martha Phillips now Martha Paca Widow and Relict of Aquila Paca deceased and their heirs and assignes forever shall have as good an Estate in fee Simple in four Hundred Acres Part of the lands of their said father James Phillips as if his said Will had been Subscribed Proved and Recorded as af^d And that the said four hundred Acres were thereby Expressly devised to be equally divided between the said Mary and Martha and their heirs and assignes forever. And be it further Enacted that the said James Phillips the son Anthony Phillips Mary Smithers and Martha Paca their Executors Adm^{rs} or other legall representatives shall be and are by this Act Entituled to the same Shares and distributions of the Personall Estate of the said James Phillips 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