

expressed. (Viz) My now dwelling howse in Little Brittain aforesd w<sup>th</sup> fowre hundred Acres of Land next thereunto adioyning. Also one Black-browne Cow (named Browning) cropd both eares. Also one reddish-browne Cow (named Chesnutt) slitt both eares. Also one other reddish-browne Cow (named Cherry) & one Black Cow (named Collier) both of my own proper marke. Allso one Red Heifer, cropd y<sup>e</sup> left eare, w<sup>th</sup> two slitts in y<sup>e</sup> Crop & a hole in y<sup>e</sup> right eare, & underkeeld. Allso one other yeareling blackish heifer of my owne marke. Allso Two Cow calues of this p<sup>e</sup>nt yeare of my owne marke (the right eare being slitt att y<sup>e</sup> deliuery) w<sup>th</sup> all the encrease". Bretton reserved for himself for his lifetime all the milk of the cows and all the bull calves. He laid aside for Mrs. Jay his "owne best Bed w<sup>th</sup> all its furniture" and half of all his other household goods. Of these goods he says he had given the trustees a list: too bad that that list is missing. Furthermore, she might, within a year of his death, take half of all the hogs he left at his death. If she died first, what he has designated for her was to be used to make portions for any children they might have. This document is dated July 10, 1651: another of the same date gives her full power and control over an annuity of £20 sterling coming to her from Captain Gcorge Evclin of Virginia (*post*, 684-685). One of the first entries in the 1660 proceedings after the break being filled by this appendix tells about this annuity (*Archives*, XLI, pp. 343-344). On October 11, 1649, Captain Evelin acknowledged that Mrs. Jay had paid him £120 lawful money of England. For this, he bound himself to pay her every year in Virginia £20 sterling, during her lifetime. "And because money is scarce in Virginia [as it was in Maryland, too], I doe oblige myself to pay unto the s<sup>d</sup> M<sup>rs</sup> Jay, soe much goods, as she shall like of" amounting to £20 sterling. If Mrs. Jay should return to England within three years. Evelin was to pay her, in England, the £120 sterling. If he should fail to pay her what he had agreed, he was to make over to her considerable land in "Greendall old ffort or Middle Plantation worth £20 sterling. Middle Plantation was, of course, Williamsburg. Bretton, in agreeing that Temperance should control her own annuity, was really and unusually generous. It was a well-known and very firmly settled point of English common law that whatever personal property a woman brought with her into a marriage belonged to her husband, and he need not even leave her at his death property that she had brought him or money that she herself had earned. Temperance and William did get married, and, not much later, she joined him in deeding land for the erection of a Catholic church (*Archives*, XLI, 531).

In closing, the editor must express the real gratitude she feels to the two lawyer members of the Publications Committee. Mr. George Ross Veazey and Col. Harrison Tilghman both answered questions that had arisen in the editorial mind on legal points, and so helped in the accuracy of the text and the introduction.