

Liber P C tions to severall particulars Therefore recomends the said Acc.<sup>t</sup> to the judgment of the judge in Testamentary business to rectifie the same as to his Hon<sup>r</sup> seems meet and agreeable to Equity And therefore the said judge did take into his hands the acc<sup>o</sup> of the said Luke and after mature consideration thereof and the exceptions to the same made caused the same to be rectified in many particulars not mentioned in the exceptions of the said Robert and upon the 14th of February 1673 called the said Executor To make Oath to the particulars of his Own accompt that stood allowed by the said judge, which the said Executor not being able to doe in com<sup>o</sup>n forme but only in the Speciall Manner as at the foot of the acc<sup>o</sup> as annexed The said judge declared that in regard the said Luke Gardner never tooke Out Letters Testamentary upon probate of the Will of the said Robert Cole deceased, never tooke the Oath of Executor to make a true accompt nor never made Inventory or appraisement of the Goods Chattells rights and creditts of the said deceased, nor hath Kept Such an accompt of his administrac<sup>o</sup>n of the goods Chattells rights and Creditts of the said Robert deceased as he does absolutely sweare to as an executor Ought to doe The said Luke hath lost all benefitt or advantage of an Executor and is punishable at the discretion of the judge here. But forasmuch as it appeares he hath improved the stock of Cattle and hoggs to a greater number then Robert Cole left at his departure for England and raised a Stock of horses for the Orphants where the Testator left none The said judge doth Order That the Orphants of Robert Cole deceased shall receive the household goods in the Condition they are in the Cattle and hoggs as they are shared to them and the horses to be divided amongst them after the said Luke Gardner hath chosen One mare and foale by her side which the judge Testamentary doth hereby

p. 75 Order him as the Only reward of his paines and care taken in manageing the said Estate And doth further Order him to deteine Out of the Cropp of tobacco now made the ballance of the accompt as it stands rectified and allowed by the said judge vizt eleven hundred eighty three pounds of tobacco together with two thousand five hundred fifty three pounds of tobacco for itinerant charges in twelve years time expended by the said Executor

Which being read & heard it is this day to wit the thirteenth day of October in the 43th year of his Lopps Dominion &<sup>e</sup> Annoq<sup>3</sup> Dom<sup>o</sup>. 1674 considered by the Court here that execution be granted according to the abovesaid Order.

Ccæilius &c To the Sheriff of Somersett County sendeth Greetings Whereas upon the nineteenth day of January 1663 a conditionall warrant for One thousand acres of land issued from the Lieutenant Gen<sup>ll</sup> unto George Naseworthy of Nansemond in James River in