

(21) Sen Anthony Phillips Mary and Martha his Daughters in manner and form following. Viz unto his Eldest Son James Phillips all his tracts of Land at Quinspounder River called Phillips's Islands with the Stock and Improvement thereunto belonging and all the Residues 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's 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 Parcels 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 real Estate by descent as Heir at Law of his father And whereas the said Anthony Phillips in his lifetime by his last will and Testament in writing duly executed gave and devised severall Parcels of Land which he claimed by Virtue of his fathers Will to severall Persons. which his the said Anthony's 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 Governors and the upper and lower Houses of Assembly and the Authority of the said that the real 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 devisees 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 duly 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 Pace Widow and Relict of Aquilar Pace deceased and their heirs and assigns forever their said fathers James Phillips as if his said Will had been subscribed proved and Recorded as afo. And that the said four Hundred Acres were thereby expressly devised to be equally divided betwixt the said Mary and Martha and their heirs and assigns forever. And be it further Enacted that the said James Phillips the Son Anthony Phillips Mary Smithers and Martha Pace their Executors Adm<sup>rs</sup> or other legal representatives shall be and are by this Act. Entitled to the same Shares and Distributions of the Personall Estate of the said James Phillips the Elder as if his said Will had been duly 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 this Act their severall and respective rights.

October the 30. 1724  
Read & Assented by the  
House of Assembly & Signed  
M. Fenwick Clk. House

November the 4. 1724  
In behalf of the right hon<sup>ble</sup> the  
Lord Prop<sup>r</sup> of this Province I will  
this be a Law  
Ch. Calvert

October the 30. 1724.  
Read & Assented to by the  
House of Assembly and Signed  
J. Skippon Clk. House

Seal in  
way