

Memorandum this petition was answered by an Act made for Execution.

Then was presented the petition of Gilbert Fenwick W<sup>m</sup> Mill & John Bogue executors of Robert & R<sup>d</sup> Fenwick viz

To the Right Honourable the Upper & Lower Houses of this present General Assembly.

The humble petition of Gilbert Fenwick &c. humbly sheweth That whereas at a provincial Court held at St Leonards the 5<sup>th</sup> octob<sup>r</sup> 1658 Mr Will<sup>m</sup> Eltonhead Esq. nuncupative will was proved by one witness Mr John Anderton wherein it was proved that he left all his Land &c to his wife's disposing for the good of her Children & desiring her to allow unto Robert Fenwick & Richard Fenwick some part of the Land according to her discretion &c and whereas at the said Court it was declared all the Heirs at Law of the said William Eltonhead are forever barred all claim of Lands as heirs to the said William, your Petitioners humbly craves to assign their following Errors in the said Decree, humbly referring themselves to this Assembly to determine finally thereof

1. Your Petitioners humbly conceive the Law to be that Land cannot be aliened but under Hand & Seale

2. That if a Soldier make a nuncupative Will your Petitioners humbly conceive the Law to be, he can only so dispose of his personal Estate & cannot devise with an Heir at Law by such Will especially being lawfully proved by one witness

3. Your Petitioners humbly conceive the Law to be that the words of some part of the Will being of force those that concern your Petitioners cannot be idle & of none Effect but to be strongly set taken against the Testator, All which your Petitioners humbly crave your Honours to take into serious consideration humbly submitting themselves to your Honours Determination Hereof & they as in duty bound shall pray

Upon the afo<sup>r</sup> petition It is ordered that Tho<sup>s</sup> Taylor be summoned to appear at this Assembly to make answer to the said petition, & that writ issue to the Sheriff of Calvert County to summon him.

Then came from the Lower house an Act Entituled an Act concerning those Servants that have Bastards. An Act for the publication of marriages, & another called an Interpretation or Explanation of the Act limiting Servants Times made the last Assembly 1661 & another Act Intituled an Act concerning proceedings at Law which being read over & amended in this house, the Lower house was sent for to a Conference touching the Amendments who accordingly came

At which Conference was read first the Act concerning Servants that have Bastards with Amendments with which the Lower House rest satisfied after that was read the Act for publication of marriages, & the Lower house desired to have written fair with the Amendments of