

I, J. A. Higginbotham of the County of Amherst and State of Virginia do make this my last will and testament hereby revoking all others.

1st. It is my will and desire that all my just debts and funeral expences be first paid, debts due in Tennessee to come out of my property there. those due in Virginia and elsewhere if any other than in Tennessee to come out of my property in that State.

2nd. I give to my friend Capt. John Thompson Jr. of this place the sum of Two thousand dollars (\$2,000.)

3rd. I give and bequeath to my brother in law Com. Wm. Henry all my library of Law Books and to his brother Thomas S. Henry I give my gun, my fine eight silver keyed flute and my flute music.

4th. I give to my friend S. M. Garland of this place as a small memento for acts of friendship to me Five hundred dollars (\$500.)

5th. I give to the same Sam^l Garland and John Thompson Jr. as trustees the sum of Two thousand dollars (\$2,000) to be expended by them in erecting on some suitable location in sight of my house at Amherst Courthouse a building to be used on the basement story as a school room or Academy and above as a Masonic Hall or Lodge by the Clinton Lodge to which I belong.

6th. I give to my beloved wife Eliza M. Higginbotham the entire rest and residue of all my estate property and effects wheresoever and whatever especially including all estate of every kind devised and bequeathed to me by the will of my Uncle Daniel Higginbotham dec^d.

7th. Being about to travel to the Island of Cuba, reflecting upon the possible perils of the trip; the possibility that it is now quite improbable that I shall survive my wife, and being exceedingly desirous that I may not die before

7th. Being about to travel to the Island of Cuba, reflecting upon the possible results of the trip; the possibility that it is now quite imprudent that I shall survive my wife, and being exceedingly desirous that I may not die leaving any part of my estate real or personal undisposed of by will, and especially that part devised and bequeathed unto me by the will of my Uncle Daniel Higgensbotham died. I do hereby declare that in case my wife should die before I do without issue, then and in that case I devise and bequeath unto Mary Cabell of Nelson County all the estate heretofore given to my wife, in trust that he apply the annual profits to the use and benefit of my respected father and mother in law Mr & Mrs John Henry for and during their joint lives and the life of the survivor, and at the death of the longest liver then the same estate itself to go to such of the children of the said John Henry as he the said John Henry may by deed in writing in his life time or by will appoint or select.

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Lastly, I do hereby appoint John Thompson Jr and S. M. Highland both of this place executors to this my last will and testament and I hereby give them separate power to sell any real estate which may belong to me under the will of my Uncle Daniel Higgensbotham died and as they shall see fit to do more I am willing and hereby authorize them to adjust and compromise the suit now going on to settle my rights in that estate upon the terms following that is to say for $\frac{1}{3}$ of \$50,000 on 1st and 3rd years from the 1st January next and John of London to pay one in addition $\frac{1}{3}$ of the rents of the real estate up to the date of compromise over and above all demands against me in any wise. I also give my said executors power to execute to my half Uncle Hiram Vaughn of Tennessee a deed to my tract of 327 acres near Nashville and my interest in the dower of my Step Grandmother on the terms lately agreed upon between us (see correspondence) that is to say for \$6000 - \$2000 to be paid this fund the rest in three equal annual instalments without interest. It is my will and desire that my said ex-

their joint lives and the life of the survivor, and at the death of the longest liver then the same
bequeathed it self to go to such of the children of the said John Henry as he the said John Henry may
by deed in writing in his life time or by will appoint or select.

Lastly I do hereby appoint the aforementioned Capt John Thompson Jr and S. M. Garland both
of this place executors to this my last will and testament and I hereby give them ~~safe~~ power
to sell any real estate which may belong to me under the will of my Uncle Daniel
Huggenotham dec'd and as tho' I believe myself entitled to more I am willing and
hereby authorize them to adjust and compromise the suit now going on to settle my rights
in that estate upon the terms following that is to say for $\frac{1}{3}$ of \$50,000 on 1st 2nd and 3rd years
from the 1st January next and John F. London to pay me in addition $\frac{1}{3}$ of the rents of
the real estate up to the date of compromise over and above all demands against me
in any wise. I also give my ^{Amherst County Virginia Wills 1832 to 1897} ~~executor~~ ^{www.virginiapioneers.net} power to execute to my brother Uncle Hiram
Vaughn of Tennessee a deed to my tract of 22 $\frac{1}{2}$ acres near Nashville and my interest in
the dower of my step grandmother on the terms lately agreed upon between us (see cor-
respondence) that is to say for \$6,000 - \$2,000 to be paid this fall the rest in three equal
annual instalments without interest. It is my will and desire that my said ex-
ecutors be not required to give security. Witness my hand and seal to this my last
will and testament at Amherst Courthouse this 30th day of September 1848.

Witness:

Paulus Pamel

Sec. Daniel Jr.

John A. Huggenotham

Ita Circuit Superior Court of Law and Chancery convened by adjournment and held
for the County of Amherst at the Courthouse on Thursday the 5th day of April 1849.

The last will and Testament of J^{es} A. Higginbotham deceased was produced in Court and proved by the oaths of Paulus Powell and Leonard Daniel Jr subscribing witnesses thereto and is ordered to be recorded and on the motion of John Thompson Jr and Samuel M Garland who made oath thereto and entered in and acknowledged a bond in the penalty of \$50000 (without security it being required by the will that none should be required) conditioned as the law directs which is ordered to be recorded and a duplicate is granted them for obtaining a probate hereof as directed.

A Copy Teste Robert Finley

Know all men by these presents that we John Thompson Jr and Samuel M Garland an heir and jointly bound unto The Commonwealth of Virginia in the sum of Fifty thousand dollar law full money of Virginia to be paid to the said Commonwealth of Virginia for the payment whereof well and truly to be made we bind ourselves and each of us our and each of our heirs executors and administrators jointly and severally jointly by these presents. Sealed with our seals and dated this 5th day of April 1849 and in the 73^d year of the Commonwealth.

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The condition of this obligation is: That if the said John Thompson Jr and Samuel M Garland executors of the last will and testament of J^{es} A. Higginbotham deceased do make a true and perfect inventory of all and singular the goods chattels and credits of the said deceased together with an inventory of the real estate within this Commonwealth which by the said will may be subject to his authority, and which have or shall come to the hands possession or knowledge of them the said John Thompson Jr and Samuel M Garland or into the hands or possession of any other person or persons for them; and the same so made do exhibit to the Circuit Superior Court of