

At a Circuit Court continued and held for Buckingham
County, October 24th 1885

Charles Ellis, Jr., Wm P. Ellis, Richard S. Ellis, Frank
Ellis, Thomas H. Ellis, Jr., Perkins Ellis, James A.
Ellis, Mildred Mervin Ellis, children of Richard S.
Ellis, Jr., dec'd, in their own right, Nannie J. Ellis in
her own right and as guardian of the above named
children of said Richard S. Ellis, Jr. dec'd and as his
widow, Thomas H. Ellis and Charles Ellis Trustees under the
Will of said Richard S. Ellis, Jr., and Thomas J. Perkins
and Jonathan Ellis, Jr. Executors of Richard S. Ellis, Jr. dec'd

Ex parte on a
petition to estab-
lish a lost
record

This ex parte cause came on this day to be heard upon the report
of E. W. Hubbard, Commr of Lost Records of Buckingham County filed this
23rd day of October 1885, to which report there is no exception, said
proceeds to said report warning time for it to lie in the Clerk's Office, and
was argued by counsel. On consideration whereof, and upon the motion,
and by consent of all the parties to said cause, and the Court being
satisfied that all persons interested in said petition are parties thereto,
and that the said petition correctly sets forth the facts therein stated, and
that the same are sufficiently proven and admitted by all the parties
as stated in said Report of Commissioner of Lost Records E. W. Hubbard, doth
approve and confirm the said report.

And it appearing to the Court from said report and by the ad-
mission of the parties, that the Will of the late Richard S. Ellis, Jr. of
Buckingham County, Va. was duly recorded in the Clerk's Office of
Buckingham County Court on the — day of — 1867, and that Thomas

Ellis, Richard Henry Ellis, children of Richard S. Ellis Jr, dec'd, in their own right, Nannie J. Ellis in her own right and as guardian of the above named children of said Richard S. Ellis Jr. dec'd and as his widow, Thomas H. Ellis and Charles Ellis Trustees under the will of said Richard S. Ellis Jr. and Thomas F. Perkins and Powhatan Ellis Jr. Executors of Richard S. Ellis Jr. dec'd

Ex parte. On a petition to establish a lost record.

This ex parte cause came on this day to be heard upon the report of E. W. Hubbard, Commr. of Lost Records of Buckingham County filed this 23rd day of October 1885, to which report there is no exception, said parties to said report waiving time for it to lie in the Clerk's Office, and was argued by counsel. On consideration whereof, and upon the motion and by consent of all the parties to said cause, and the Court being satisfied that all persons interested in said petition are parties thereto, and that the said petition correctly sets forth the facts therein stated, and that the same are sufficiently proven and admitted by all the parties as stated in said Report of Commissioner of Lost Records, E. W. Hubbard, doth approve and confirm the said report.

And it appearing to the Court from said report, and by the admission of the parties, that the Will of the late Richard S. Ellis Jr. of Buckingham County, Va. was duly recorded in the Clerk's Office of Buckingham County Court on the — day of — 1867, and that Thomas F. Perkins and Powhatan Ellis Jr., qualified as the Executors thereof, that the record thereof was destroyed by fire by the burning of the Clerk's Office of said Court on the — day of February 1869, and that there is no official copy thereof, the Court by like admission and consent of parties doth adjudge, order and decree that the same be set

up and substituted as, for, and in the place of the original income thereof, as follows:

"I, Richard S. Ellis, Jr. of the County of Buckingham, do make this my last Will and Testament.

First, I wish all my debts paid; and for that purpose I authorize and empower my executor to sell and convey such portions of my real estate mentioned in the second clause of this Will, as may be necessary, after applying to their payment the proceeds of such of the personal estate mentioned in the same clause as my wife may not wish to retain in kind.

Secondly, After the payment of my debts I give and devise to my wife Nannie F. in absolute estate, with the fullest faith and confidence, that she will use the same discreetly for the comfort and well being of herself and our children, my whole estate real and personal and mixed, except such part thereof as is mentioned in the third clause of this Will.

Thirdly, I give and devise to my brothers Thomas H. Ellis and Charles Ellis my whole interest and share in the real estate which descended at the death of my father to his heirs, and which still remain undivided among them; also my share of the real estate now held by my mother as her dower of her husband's estate, also whatever distributive share of money or property may yet remain to me of the undivided personal estate of my father now in the hands of his Administrators, or which may hereafter come to their hands, with full power and authority to my said brothers Thomas H. and Charles to collect and receive the said distributive share, and to convert into money or other available funds the real estate herein

me of the undivided personal estate of my father now in the hands of his Administrators, or which may hereafter come to their hands, with full power and authority to my said brothers Thomas H. and Charles to collect and receive the said distributive shares and to convert into money or other available funds. The real estate herein devised to them, either by sale and conveyance thereof, or in any other mode which in their discretion they may deem it advisable to adopt. Upon Trust, that upon collecting such distributive share, and upon such conversion of the real estate devised to them, they shall pay over and deliver the proceeds of such collection, and conversions and pay into the hands of the guardian of my children, for their absolute use and benefit.

Fourthly. I appoint my wife Nannie F. guardian of all my children, and do hereby empower and authorize her to use and employ the estate mentioned in the third clause of this Will for the education and support of my children, not only as to the annual profits thereof, but as to the whole principal in case it shall be necessary; confiding entirely in her discretion in the whole matter both as to the style of living and the character of their education, and whether any or all of my sons shall have professional as well as collegiate education. And if any portion of the said funds which may come into her hands as guardian as aforesaid, remain after the education of all my children I wish it divided equally among all of them who may then be living and the descendants of such of them as may be dead leaving children, those to take only the share of their father or mother would have taken if alive. Lastly. I appoint my brother in law

Thomas F. Perkins, and my brother Parkatan Ellis for Executors of this Will, and request that the Court before which they may qualify, will permit them to do so without security.

In testimony of which I have hereunto set my hand this 27th day of May 1867

Witness

Richard S. Ellis Jr.

N. J. Boock

Arthur Moreley

And the Court doth further order that a copy of this order be certified by the Clerk of this Court to the Clerk of the County Court of Buckingham County for recordation in the Will Book thereof.

A copy

Teste P. A. Forbes, C.C.C.

Buckingham County Court Clerk's Office, February 6th 1886. This attested copy of an order of the Circuit Court of Buckingham County, was this day produced in my Office and admitted to record.

Teste, P. A. Forbes, C.B.C.

In the name of God Amen. I Thomas Austin of the County of Buckingham being of sound mind and memory do make and ordain this as my last Will and Testament in manner and form following viz Item 1st I give to my son Archibald A. Austin my gold watch. Item 2nd I give and bequeath to my son Archibald A. Austin and