

Last Will & Testament
of
Charles M. McCormick
Dec^r

I Charles McCormick of the County of Gloucester State of Virginia being of sound mind and disposing Memory do hereby make my Last Will and Testament in Manner and Form following; hereby revoking all other former Wills by me heretofore made.

I charge all my Estate Real and Personal (except my Slaves, Mills, Rancho, Docks, and a few other articles of the Estate) with the Payment of my just debts, funeral Expenses, and Legacies hereinafter given, and I authorize my Executor, hereinafter named to sell my Real Estate so much thereof as may be necessary, after exhausting my Personal Estate except my Slaves, for the Payment of my just debts, funeral Expenses, and Legacies.

I then by give and devise all my Real Estate lying in the County of Gloucester to my wife Maria McCormick and her heirs forever the following Pieces or Pieces of Land to wit: to wit: All that Piece or Parcel of Land adjoining the Line of the William Alexander and in the recent Survey and Plat thereof made by James Brown of the County of Gloucester called the "Upper Division of Springbury" containing according to said Survey four hundred and thirty eight Acres, 3 Roods, and 22 Poles, and BEGINNING at a large Rock just below the mouth of the Chapel Run, from to the "Middle River". Of Springbury" and running thence all the Line of said Tract to the Spring Point, a line and according to the Survey of James Brown the Plat of which is on my Registry. Also all that Tract or Parcel of Land which was purchased of John Wilson and his wife Maria containing about one hundred and thirty Acres, and which lies next to James and Henry Stephens Mill. Also all that Piece or Parcel of Land called the "The Field" lying west of the tract last above mentioned containing about Eighty five Acres, it being part of the Tract of Land called "The Field" hereby reserving from said "The Field" the piece

I hereby give and devise all my Real Estate lying in the County of Clark as follows To-wit
- Sister Eliza McFinnick her Heirs and assigns forever and forever the following Piece or Parcel of Land
that is to say - All that Piece or Parcel of Land adjoining the Line of William Alexander and in the
recent Survey and Plat thereof made by James Brown of Jefferson County called the "Upper Division of
Springsburg" containing according to said Survey four hundred and thirty eight Acres, 3 Roods, and 22
Poles and BOUNDING on the East by Rock just below the Mouth of the Chapel Run from to the "Middle
River". Of Springsburg" and running thence all the Lines of said Tract to the Refining Point a point
and according to the Survey of James Brown that Point of Rocks is now in possession. Also all that Tract or
Parcel of Land which was purchased of John Wilson and his estate Wm. Smith containing about 60 Acres
more or less by Acres and which lies next to Spring and Henry Stephens Mill. Also all that Piece
or Parcel of Land called the "New Field" lying west of the tract last above mentioned containing about Eighty
five Acres it being part of the Tract of Land called "The pole" having passing from said "New Field" the pre-
sent Road as it now runs along the Eastern Edge of said Field as a Right of Way to the Reservoir of
the pool spring that there stands in &c &c and finally so much more Land if any one is required to be
laid off and assigned to my said Sister Eliza McFinnick her Heirs and assigns from the town End of "Springs-
burg" as shall be sufficient according to the Valuation hereafter stated and required to make up in
Value to her one full fourth of my Real Estate in Clark County beginning for the Quantity thereof to
go to at the Elm Tree mentioned in the Survey and Plat of said James Brown from to John Parrishell
and running thence according to said Survey and Plat up to the barometer station on said Plat and
thence from that Point in a Northerly direction to get the proper Quantity of Land but on such a
Minimum as to leave the upper end of the spring field with little or no land attached to the Reservoir
of the spring than what is now there.

To my Brother Francis McFormick his Heir and Assigns I give and devise all the Rest and
Remainder of the "Springbury" tract of Land which will consist of the two lots by the West of James
of James Brown the "Middell Division" and the Remainder of the lower Division of "Springbury" after taking
off Quantity as aforesaid for my Sister Eliza.

To my Brother Samuel McFormick his Heir and Assigns I give and devise the following Pieces
or Parcels of Land that is to say, all my undivided half of the Lane and Mile thimble which
he and myself purchase of John Richardson known as the "Mile" and "Middell Farm" also all that
Piece or Parcel of Land called and known as the "Glebe" containing about ten Acres and of other
and finally all that Tract of Land called "Elmington" whereon John McFormick now re-
sides containing about two Acres and twenty five Acres being the tract of Land which Pro-
vince McFormick and myself purchase of John McFormick but which by an Arrangement recently
made I am to take for myself and hold as my own Estate and for ever to be removed from
the Liability of the Purchase Money.

To my Brother John McFormick his Heir and Assigns I give and devise all the Rest and
Remainder of the tract of Land where I reside generally called "Jock's Spring" and not known before devising
which said tract will consist of "Jock's Spring" proper the tract called "Wetlands" and the Remainder of the tract
called "Timpole" after taking off the "Red Field" as aforesaid. And I hereby give and devise to my said
Brother John McFormick his Heir and Assigns the Use of an Right of Way over the Road as it now
runs along the Eastern Edge of the "Red Field" and thence to the river and up to the out of the Re-
mainder of the said "Red Field" to my Sister Eliza.

All the Rest and Remainder of my Estate Real Personal and mixed of Monies and other
in Relation I give and devise and bequeath as follows To my Sister Eliza McFormick his Heir and As-
signs I give and devise and bequeath One full Fourth Part thereof To my three Brothers Samuel
Francis and John McFormick their Heir and Assigns I give and devise and bequeath the whole of the same

in Relation to my Estate and bequeath the as follows, To my sister Eliza McJannet and Francis
sign I give seven and bequeath One full Fourth Part thereof. To my three Brothers Samuel
Francis and Joseph the joint and several Heirs and Assigns I give seven and bequeath the whole Three
fourths thereof to be divided between them and their Heirs and Assigns so as to procure Equality
in their Lands and Personalty together that is any Difference in the Value of their Lands here
before given to them shall be made up and credited in the Division of my Personal Estate. And
in Order to carry out fully my Purposes of Equality between my said Brothers & sister Eliza as well for
other Purposes of my Will which will appear hereafter I do hereby constitute and appoint Sir as well
Smith James Brown of Jefferson and Province McJannet any two of whom may act some pres-
ents in face of them Heirs or Assigns and any other two or more as my said Brothers and sister may
approve or in face of them finding to act in approval of the same as may be appointed by a Court of Justice
my to value a la Gauche all my Lands and other Property here before given and bequeath
and lay off and assign to my sister Eliza her Heirs and Assigns so much Land from the Town Land
of "Springbury" in the manner here before in recited of any more shall be required in the
Valuation of my Lands as shall be sufficient in such Court to give her in Value One full Fourth
of my Real Estate and next lay off and assign to my said sister Eliza her Heirs and Assigns One full Fourth
in Value of my Slaves and other Personal Property and then divide the other three fourths of my
Slaves and other Personal Property between my said Brothers Samuel Francis and Joseph McJannet
and their Heirs and Assigns respectively in such manner as to procure Equality in their
Lands and Personalty together making up any Difference in the Value of their Lands & giving in the
Division of the Slaves and other Personalty - In making said Division among my said Brothers
and sister I hereby do not require the Commissioners to allow or permit my said Brother William
McJannet and his Heirs for himself and his Heirs to select and choose their Shares in my said
among my said Brothers and sister and to assign them accordingly to the Division of my said
the said

in you over to them shall be made up and divided in the Division of my Personal Estate. And
in order to carry out fully my Purpose of Equality between my said Brother & Sister Eliza as well for
other Purposes of my Estate which will appear hereafter, I do hereby constitute and appoint I do constitute
Smith James Brown of Jefferson and Province Mc Cormick any two of whom may act, some or
next in place of them hereafter or as they may think fit, any other two or more as my said Brother and Sister may
agree upon and in favor of them feeling to act, or agree, such others may be appointed by a Joint Affidavit
my to value a Cash and Price all my Lands and other Personal Property here before deriving and bequeathing
and lay off and assign to my Sister Eliza her Heirs and Assigns so much Land from the Town of
of "Springbury" in the manner herein before in recited. If any more shall be required upon the
Valuation of my Lands as shall be sufficient in such Cases to give her in Value One full Fourth
of my Real Estate, and next lay off and assign to my said Sister Eliza her Heirs and Assigns One full Fourth
in Value of my Slaves and other Personal Property, and then divide the other three fourths of my
Slaves and other Personal Property between my said Brother Samuel Francis and Sister Mc Cormick
and then Heirs and Assigns respectively in such manner as to procure Equality in their
Lands and Personalty together, making up any Differences in the Value of their Lands, as far as in the
Division of the Slaves and other Personalty - In making such Division among my said Brother
and Sister I hereby do not require the former to allow or permit my said Sister Eliza to have
Domains and keep for himself an equal share to select and choose the most advantageous
among my said Brother and Sister, and to assign them accordingly to the Division of Personalty
then given and if further division is required, that the same be made in such manner as may be agreed upon
between my said Brother and Sister, and that the same be made in such manner as may be agreed upon
between my said Brother and Sister, and that the same be made in such manner as may be agreed upon

and full to his comfort - and that the joint property shall continue and enjoy the Government particularly in making the Division a General.

I give and bequeath to Province McFormick Francis McFormick and James McFormick and the Survivors or Survivor of them One full Fifth Part of the Net Value or Amount of all my Estate Real Personal and mixed Money, and Effects in Action, to be ascertained by the Valuation, Appraisement and a full and true Account and Inventory of all my Estate, Monies and Effects in Action, and deducting therefrom my last Debts General Expenses Expenses of Administration and the two Legacies hereafter given to Province McFormick and John Benge of Eben Tread. And when ascertained in this Manner a General with legal Interest thereon from and after twelve Months from my Death, shall be born and equally paid by my said Brothers Samuel Francis and James McFormick and my Sister Eliza McFormick - that is One fourth Part each and the same with Interest, a General shall be held by the said Province Francis and James McFormick and the Survivor, or Survivor of them. I Will Upon the following Uses and Trusts - that is to say - to pay the annual Interest or Income arising therefrom to my Sister Hannah Taylor for and during her natural Life, and after her Death, to divide the annual Interest or Income arising from said Legacy into two equal Parts, and to pay the same to her two Children William and Eliza Taylor during their Lives - and at their Deaths respectively I give and bequeath the said Legacy to their lawful Issue living at their Deaths respectively, it being first divided into two equal Parts, One Part to go to the lawful Issue of William the Other to the lawful Issue of Eliza - and to be distributed according to the Law of Descent and Distributions. In case One of them should die without leaving lawful Issue living at their Deaths as the said may be the Survivor shall receive the whole Interest or Income arising from said Legacy for and during her natural Life - and at her Death as the said may be I give and bequeath the whole Legacy to her lawful Issue living at her Death as the said may be - But in case both William and Eliza Taylor shall die without leaving lawful Issue a General then and in such Case

and Eliza Taylor shall deliver them to the said Eliza Taylor. If she is dead then and ever such Eliza
Taylor and bequeath the same Legacy to my Brothers Samuel & Francis and John McJannet & my
sister Elizabeth McJannet their Heirs and Assigns to be equally divided between them that is
One Fourth to Each.

I give and bequeath to the said Province McJannet Francis McJannet and John
McJannet and the survivors or survivor of them One other Fifth Part of the Net Value & I
amount of all my Estate Real Personal and mixed monies and Phosor in Action less a Fifth Part known
by the said Eliza Taylor's Will as a Legacy to be retained in the same Manner as is herein
before directed as to Hannah Taylor and subject in like Manner to the Disposition of Debts, Fi-
nancial Expenses, Expenses of Administration and the two Legacies then mentioned and when ascertained
the same with legal Interest thereon from and after Twelve Months after my Death shall be
equally borne and paid by my said Brothers Samuel Francis and John McJannet and my sister
Elizabeth that is One Fourth each - and the same with Interest as aforesaid shall be held by the
said Province Francis and John McJannet and the survivors or survivor of them All this upon
the following Uses and Trusts that is to say - to divide the annual Interest or Income arising from said
Legacy into three equal Parts two Parts thereof to be divided equally between Edward & Ann McJannet
two of the Children of my Brother Dawson McJannet and pay the same to them annually during
their natural Lives and at their Deaths respectively I give and bequeath the Principal for two Parts
of said Principal Legacy to them lawful Issue living at their Deaths respectively - that is One half
of said Principal to each - In case one of them should die without having lawful Issue living at
his or her Death as they may be the Survivors shall have the annual Interest or Income
arising from said two Parts for and during their natural Lives and at their Deaths as they
may be I give and bequeath the whole of said two Parts of said Principal to be a bequest
to my said sister Elizabeth at her Death as they may be the Survivors shall have the annual Interest or Income
arising from said two Parts for and during their natural Lives and at their Deaths as they may be

die without leaving lawful Issue as aforesaid then and in such Event I give and bequeath the two Parts aforesaid of my said Real Estate to my Brother Samuel Francis in & from him to my Son or my Sister Eliza then Dead and I desire to be equally divided between them, that is One Fourth each. And in full Trust, that the said Trustees and the Survivors or Survivor of them, shall pay the annuities & interest on the moneys arising from the other thing of said Legacy not yet disposed of to William McFormick the other Son of my Brother Dawson McFormick & his. From time to time through the year, it is payable, as his Wants and Necessities may require for and during his Natural Life and at his Death & give and bequeath the Principal thereof to his lawful Issue living at his Death, to be divided among them according to the Law of Descents and Distributions. But in case William shall die without leaving lawful Issue living at his Death, then and in such Event I give and bequeath the whole and Principal to my Brother Samuel Francis, and my Son William McFormick and my Sister Eliza and their Heirs and Assigns, to be divided equally between them that is One fourth Each.

I declare that my Brother Samuel Francis, and my Son William McFormick and my Sister Eliza shall not be required to pay the two Legacies aforesaid before the Expiration of five Years from my Death, unless they choose to do so - and after the Expiration of five Years from my Death in satisfaction of One Year, and three Years thereafter - But as they severally pay up their respective Shares of said Legacies, I require them respectively to see to the Investment of the same upon Real Security, to the Use and Trust herein before declared as to said Legacies - and then and not till then, I hereby authorize the Trustees or the Survivors or Survivor of them, or such of them as may not be interested in the Trust at the Time to execute a proper Release of the said Legacies.

I give and bequeath to Province McFormick his Heirs and Assigns the sum of Five Hundred Dollars payable two Years after my Death, to be paid by Interest from and after twelve Months from my Death.

I give and bequeath to Province McFormick Francis McFormick and my Son

McFormick and the survivors, or survivor of them annually, for and during the natural Life of
 Eben Frost, the sum of seventy five Dollars payable each and every year during his Life, the
 said Payment to be made twice in Months a Year my Death. I Will for the Benefit of the said
 Eben Frost, to be paid to him by said Trustee, or the survivors or survivor of them annually from
 time to time as he may require for the Support of Clothing himself or as maybe otherwise necessary
 for his comfortable living and support, but not to be used at any time during his Life to be made
 liable, for any debt, Liability or Contract, which is not incurred, for the Support of Clothing or other
 necessary Support, nor in any Event for any debt contracted by him prior to my Death. And in
 addition to said Annuity during the natural Life of my said Eben Frost I have by request my said
 Brother Samuel, Francis and James McFormick and my Sister Eliza McFormick to be and them
 during his natural Life, or so long as he shall remain single and may desire to live with them
 or one of them. In Jan he should at his pleasure make his home with one of them the others
 shall make a due compensation to that one, if he factually board him. And I have by declare this
 foregoing Provision in favor of Eben Frost as in full of all his services and thanks to me not
 otherwise before my death fully compensated and paid.

[illegible]

Read by James L. and appeared in the presence of Francis McFormick James McFormick and John McFormick
Execution of the same Last Will and Testament.

We Witness that the foregoing Writing containing an emancipation by the two foregoing
Shirts of Paper, is, and is hereby declared to be my true last Will and Testament I have hereunto set
my Hand and Seal this 6th Day of April 1846.

Signed, sealed and published as
and John Last Will and Testament
by Charles McFormick in our Presence
who witness it at his Request and in
his Presence in the Presence of each
other this 6th Day of April 1846.

Robt. Jones
Wm. McGinn
Wm. Lee

John McFormick

Plunk County, Cal

At a joint Court of the County of Plunk on Monday the 28th Day of February
1848. The Last Will and Testament of Charles McFormick was produced in Court by the Executors
therein named and proven by the Oaths of Robt. Jones Wm. McGinn and Wm. Lee the
Scribers of the same then and as ordered to be Received.

On the Motion of Francis McFormick James McFormick Francis McFormick the three Executors
therein named the said Will was read and accepted of Law and together with the said Charles
Lester Perry Morgan the said Wm. McGinn John Marchant Saml McFormick Thomas
McFormick and Lewis J. Glass then Secured on the same and acknowledged before the De-

Platte County &c

At a join. Court of the County of Platte on Monday the 28th Day of February 1848. The Last Will and Testament of Charles McJannet was produced in p^ris. by the Executors, their names and proven by the Oaths of Robt. J. Jones & John D. McGinnis and Hugh H. Lee the Subscribing Witnesses thereto and were to be Record.

On the Motion of Province McJannet by John McJannet Francis McJannet the three Executors named in the said Will who made Oath according to Law and together with the Deacons & Smiths Jacob Kilgus Perry Morgan John E. Galt John D. McGinnis John Churchill Saml McJannet Thomas McJannet and Lewis F. Glass their Securities entered into and acknowledged before the Deputy of this Court the above and other conditions as the Law directs for the execution given to them for obtaining Probate of the said Last Will and Testament of Charles McJannet &c, in due form of Law.

Upon the Oath & Declaration of the said John E. Galt John D. McGinnis John Churchill John D. Smith &c whom to act having been first duly sworn, do appear in the said Court of Charles McJannet &c and their Springs being and the same know and the Personal Property on said Estate and for according to Law and that Robt. J. Jones & John D. McGinnis & John Churchill & Lewis F. Glass & John D. Smith &c whom to act having been first duly sworn do appear in the said Court of Charles McJannet &c and the said Charles McJannet &c by his Will to the Payment of his debts and all the other known and Personal Property of Charles McJannet &c and Report according to Law.

Teste

John Hay Jr. of the County of
Platte County

Appraisement

Of the Estate of Charles McJannet &c