

Clarke
Colin

I, Colin Clarke of the County of Gloucester Va. do make & declare this to be my last will & testament - Item 1st I give to my dear wife Mary G. all the household & kitchen furniture including plate, books, prints & the carriage and any pair of horses she may select, and any three servants she may choose, to her & her heirs forever. The object of this bequest is to enable my wife to make such little presents to her children, as she may desire & to make up in some small way for any supposed or actual inequality in advancements made to some of the children; my desire being to approximate to that equality among my children, to which they are entitled by nature law & sanctioned by my affection.

Item 2nd I devise and bequeath to my said wife, all the rest of the estate of which I shall die possessed, during her life, with full power & authority during her life to sell & dispose of all or any part of the said estate, both real & personal & reinvest the proceeds thereof in such other property as she may deem most advisable, to be held by her for her life.

Item 3rd At the death of my wife it is my will & desire, that all the estate thus devised & bequeathed to her, in the form it shall be left by her, shall be divided by sale or otherwise into seven equal parts or portions, of which I give one equal seventh part to my daughter Mrs. Manning; one other seventh part to my son Maxwell, one other seventh part to my son John Lytle and one other seventh part to my son Powhatan & to their heirs forever.

Item 4th I give & bequeath to my Grand daughter one other seventh part of the said estate - Mary Ellen Gordon - as long as she lives, and to her children at her death, equally to be divided between them, but should my Grand daughter or my Ellen die, without leaving a child or descendant at the time of her death, it is my will that the said portion of my estate hereby given her, shall return to my estate, & be distributed among my children as if I would have been had I survived my said

die, without leaving a child or descendant at the time of her death, it is my will that the said portion of my estate hereby given her, shall return to my estate, & be distributed among my children, as it would have been had I survived my said Grand daughter & had then died intestate -

Item 5th I give & bequeath one other seventh of the said estate to my son Maxwell in Trust for the use and benefit of my son James L. Clarke now in California, which seventh part of the said estate my said son Maxwell is hereby authorized to invest in stock of any sort, or in U.S. bonds or in any other property he may deem best & safest, and use the same for the benefit and support of my son James, as long as he lives, & at his death divide what may be left of it, among his children, but should my son James die without leaving a child or descendant at the time of his death, then it is my will & desire that the said seventh portion shall return to my estate and be distributed among my children, as it would have been had I survived my said son James & had then died intestate.

Item 6th I give & bequeath the remaining one seventh of the said estate to my son Maxwell & Clarke, in Trust for the use & benefit of my son Colin D. Clarke and his wife children, and which said seventh part of the said estate, my son Maxwell is hereby authorized & empowered to invest in such manner as he may deem best or as my son Colin D. Clarke shall request him to do, and manage the same to the best advantage, for the use & benefit of my said son Colin D. Clarke & his wife Bettie during their joint lives & the life of the survivor of them, and for that purpose he may select & appoint any agent or agents he may think proper without being responsible in any manner for the act or acts of such agent or agents, and at the death of my said son Colin & his wife whatever there shall be remaining of the said one seventh of the said estate I give to the children of my said son Colin equally to be divided between

them, and should my said son Colin & his wife Bessie leave no child of theirs at the death of the survivor of them, or any descendants, then it is my will and desire that the said portion hereby given & bequeathed, shall return to my estate, and be distributed among my children as it would have been had I survived my said son & his wife & had then died intestate -

Item 7th It is my will and desire that any advancements which may be made to any of my children after the date hereof, or any debt which may be paid by myself or my wife, or by my estate after our death for any of my children, after the date hereof, shall be brought into hotchpot and accounted for in the final division & distribution of my estate.

Item 8th I do hereby constitute & appoint my said wife Mary L. Clarke sole executrix of this my last will & testament, knowing that she will have good advisors, and desire that no security shall be required of her.

Written with my own hand, and signed by me this 22nd day of May 1861.

Colin Clarke

Codicil. Item 1st It is my will & desire that before any distribution of my estate shall be made under the above will after the death of my wife, that the sum of five thousand dollars shall be paid to my daughter Mrs Sally B Manning or to her heirs (as I have never made her any advancement) in addition to the one seventh of my estate given to her in the 3rd item of this will.

Item 2nd In obedience to the request of my son John Lyle Clarke I hereby revoke the devise & bequest of one seventh of my estate given to him, in the 3rd item of this will. And instead thereof, I do hereby devise & bequeath the said one seventh of my estate, after the death of his mother, to my son Maxwell D Clarke in trust, to be held by him for the benefit of my son J. Lyle Clarke & his wife & children, with full authority to invest the said one seventh of my estate in such manner as he may deem best or as my

the death of his mother, to my son Maxwell Clarke in Trust, to be held by him for the benefit of my son J. Lyle Clarke his wife & children, with full authority to invest the said one seventh of said estate, in such manner as he may deem best or as my son John Lyle shall request him to do, & manage the same to the best advantage, for the use & benefit of my said son John Lyle this wife Martha during their joint lives & the life of the survivor of them, And for that purpose, he may select & appoint any agent or agents he may choose, without being responsible for their acts; & at the death of my said son John this wife Martha, whatever shall remain of the said one seventh, I hereby give to the children of my son John Lyle equally to be divided between them, & should he die without leaving a child or descendant, then it is my will that the said portion hereby devised & bequeathed shall return to my estate, at the death of his wife & be distributed among my children, as it would have been, had I survived my said son John Lyle this wife & had then died intestate. Written with my own hand and signed This 19th day of October 1863.

Colin Clarke

At a Court held for Gloucester County at the Courthouse on Monday the 4th day of December 1865. This paper purporting to be the last will and testament and the Codicil thereto of Colin Clarke deceased was produced in Court for proof and there being no subscribing witness to them, Augustine W. Robins and M. B. Sewell were sworn and solemnly depose that they are well acquainted with the hand writing of the said Colin Clarke and truly believe that the said Will and the Codicil thereto are wholly in the proper hand writing of the said Colin Clarke, whereupon the same was ordered to be recorded as the true last will and testament of the said Colin Clarke and is recorded

Teste

Mrs R. Cary Allen