

Jabb
John

I John Jabb of White Marsh in the County of Gloucester do hereby make this my last will and testament, revoking all other wills heretofore made by me, and intending hereby to dispose of my whole estate, real, personal and mixed which I now have or may have at my death.

1st I devise and bequeath to my wife Evelina Mc Tabb during her life, one third of the annual net proceeds of my whole estate, real personal and mixed. Also the White Marsh dwelling house as a residence during her life, and I give and bequeath to her in fee simple one half of my household and kitchen furniture.

2nd I devise and bequeath to my son John Proper Tabb during the life of his mother one third of the annual net proceeds of my whole estate, real personal and mixed, and I give and bequeath to him in fee simple one fourth of my household and kitchen furniture.

3rd I devise and bequeath to my son Philip Tabb during the life of his mother if he live so long one third of the annual net proceeds of my whole estate, real personal and mixed, and I give and bequeath to him in fee simple one fourth of my household and kitchen furniture, or in lieu of the said household and kitchen furniture should he prefer it, the sum of fifteen hundred dollars to be paid within six months after the death of my wife out of any of the stock bonds or other securities belonging to my estate, and should he elect to take the fifteen hundred dollars, then the fourth of my household and kitchen furniture devised in this clause, to my son Philip Tabb, is hereby devised in fee simple to my son John Proper Tabb.

If my said son Philip Tabb should die during the life of his mother, the third of the annual ^{net} proceeds of my estate devised to him, shall be divided equally between my wife and my son John Proper Tabb, subject to the following con-

If my said son Philip Tabb should die during the life of his mother, the third of the annual ^{net} proceeds of my estate devised to him, shall be divided equally between my wife and my son John Proper Tabb subject to the following condition to wit, that if my son Philip die during the life of his mother leaving a child or children, then the sum of three thousand dollars annually shall be paid to his child or children equally divided amongst them, if more than one for their maintenance and education during the life of my wife. -

4th As a small testimonial of my love and affection for my daughter in law Rebecca and her children I give and bequeath to her, and to each of her children, John, Matilda, Floyd and Proper, one thousand dollars each to be paid six months after the death of my wife out of any of the stocks, bonds, and other securities belonging to my estate. The legacies hereby given to the children, Gloucester Co. Virginia Wills 1862-1896
www.virginiapioneers.net the interest annually accumulated so as to accumulate until they respectively arrive at age or marry, then the whole principal and interest paid to them as a present from their grand father; should any of the said children die under age and without being married the portion of any so doing to go to their survivors equally. The said sums of money in this clause bequeathed I direct to be paid to the Father of said children, as a trustee to execute this clause of my will. -

5th After the death of my wife I devise and bequeath all the rest of my estate of every kind as follows. To my son Philip Tabb I give and bequeath all my State and University bonds amounting at present to about nineteen thousand dollars, but which I intend if I live to do so, to increase to twenty five thousand dollars, and I hereby direct my Executor, if I

should not, to make up that sum and after the death of my wife transfer the same to him provided I have not done so during my life, the evidence whereof will appear on my books of account, or by the acknowledgement or written receipt of my said son Philip, in which case the above bequest is to be null and void. I also give and bequeath upon certain conditions hereinafter mentioned to my said son Philip all my property situated in Norfolk, a list of which will be found amongst my papers, said conditions being that should he die without issue the said Norfolk property, herewith given him, to revert to and be considered part of my estate hereinafter devised. I devise and bequeath to my son John Popper Tabb and his heirs forever all the rest of my estate of every kind, subject to the following condition, that is to say, that three thousand dollars of the annual ~~net~~ profits are to be paid annually, in half yearly payments to my son Philip during his life, commencing six months after the death of his mother, and at his death, the same shall be paid to or amongst his child or children during their lives or the life of the survivor of them. —

6th I leave my son John Popper Tabb my Executor, knowing that the labor of managing the Estate will be greater than my wife could undertake, and I hereby authorize and empower him to sell and convey any of my real property which may be to the interest of my estate.

I request as I owe no debts that he be permitted to qualify without security, and that no inventory or appraisement of my household and kitchen furniture be taken except by the parties interested.

Witness in my own hand writing and signed by me, as and for my last will and testament, this fourth day of January eighteen hundred and fifty nine.

John Tabb.

At a Court of Quarterly session begun and held for Gloucester County at the Court-

Court of Quarterly Session begun and held for Gloucester County at the Court house on Monday the 7th day of May 1860. This last will and Testament of John Tabb deceased, was produced in Court for proof, and there being no subscribing witnesses to the Wyndham Kemp and William P. Smith were sworn and severally depose that they are well acquainted with the handwriting of the said John Tabb and verily believe that the said will and the signatures thereto are wholly in the own proper handwriting of the said John Tabb, whereupon the said will was ordered to be recorded.

Teste Jm. R. Cary C. C. C.

A Copy

Teste Jm. S. Cooke D. C.

Memorandum as to the interest of Mrs. Evelina M. Tabb in the White Marsh Estate.

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Mrs. Tabb's interest in the White Marsh estate in right of her mother Mrs. M. C. P. Rootes (formerly Mrs. Pomeroy) consists of one half the Original tract (not including the various purchases made by me, to wit, Crockett, & Budgens, all the land in Perry Swamp, the Cobby, the landing on Wilson's creek and the land adjoining Mr. John C. Roberts) subject however to three thousand dollars contributed by me in the division of the estate of Mrs. Rootes amongst the heirs and distributies to make the portion of each equal and her proportion (two thousand dollars) of a debt due the adm^r of Mrs. Rootes and Wm. H. Prosser, the personal estate being deficient six thousand dollars in the payment of their debts, making therefore five thousand dollars to be deducted from said interest. The Estate of Mrs. Rootes and the diverse property held by her was divided into 1/2

parts of which White Marsh constituted two, valued at \$35,000 and the Richmond property, a third portion each part of White Marsh contributing three, ~~three~~ thousand dollars to make the Richmond property equal to one half of White Marsh.

Rich^d. B. Lee in right of his wife Julia A. M. Lee drew the part of White Marsh with the dwelling and improvements which I purchased of them deducting the five thousand dollars above stated that is \$3,000 which half of White Marsh contributed to the Richmond property, and \$2,000 their proportion of six thousand dollar deficiency of the personal Estate to pay the debts of W^m. R. R. and W. H. R. R. John Tabb in right of his wife Evleria M. Tabb drew that part of White Marsh next to, ~~Kingston~~ without improvements - And Jas. B. Lee in right of his wife Elizabeth O. Lee the Richmond property with \$6,000 paid by the other parties.

Plans of the division of the Estate will be found in the Superior Court of Law and Chancery, County of Spotsylvania in the Town of Fredericksburg Chancery Court at Fredericksburg amongst the papers in the suit of Laurence Balleile &c against John Tabb and as adm^r of J^{rs} M. P. C. R. R. & W. H. R. R.

At a Court of Quarterly Session begun and held for Gloucester County at the Court-house on Monday the 7th day of May 1860. This memorandum was produced in Court by John Profer Tabb, the Executor named in the last will and testament of John Tabb deceased, and Wyndham Kemp and William P. Smith being sworn severally deposed that they are well acquainted with the handwriting of the said John Tabb and verily believe that the said memorandum is ^{truly} in the proper handwriting of the said John Tabb, whereupon the same was ordered to be recorded with the said will.

Juste J^{rs} R. Cary B. Cur.