

Wills from the burned counties of Virginia continue to be found in various out of the way places. The following will is among those Virginia wills. The will survive because it became advisable to rerecord them in Kentucky. Since this instrument affected the title in Kentucky lands, it was desirable to have a record of the will locally available. Many Virginians who never left their home state had Kentucky land to dispose of by will, acquired either for purposes of investment or speculation, or by reason of Revolutionary service, and to give younger sons a start in life. Some of the sons did move on to Kentucky, but others sold their Kentucky inheritances and remained in Virginia.

The will of Benjamin Brown is among the records of the Kentucky Court of Appeals, Frankfort, Book V, p. 388.

In the name of God Amen I Benjamin Brown of the Parish of Saint Martins in the county of Hanover being of perfect sense and memory do make & ordain this present writing to be my last will & testament in manner & form following Viz: I give devise and bequeath to my beloved wife Susanna forever three negroes named Sam, Moll & Jude, also two feather beds and furniture I give and devise to my son John Brown to him his heirs and assigns my tract of land and plantation lying on Beaver dam Creek in Hanover County, Also two negroes named Prince & Anne one good work horse three cows & calves & four sheep I give & bequeath to my daughter Milly Brown to her heirs & assigns two negroes named Mary & Ann also one good feather bed and furniture. I give to my daughter Adeline Brown to her, her heirs and assigns, three negroes named Lucy, Siller & Pleasant also one good feather bed and furniture I give, devise & bequeath to my son Benjamin Brown to him his heirs and assigns my tract of land in Albemarle County lying on both sides of Doyles River above Gentries Mill also two negroes named Will & Charity one good work horse three cows and calves and four sheep I give devise and bequeath to my son Edmund Brown to him, his heirs and assigns my tract of land in Albemarle County known by the name of the rich hollow also three negroes named Jan Sall & Nelson one good work horse three cows & calves

and four sheep- I give and bequeath to my daughter
 Hulda Brown to her her heirs and assigns three negroes
 named Fill, Aaron and Jiller also one good feather bed
 and furniture- I give devise and bequeath to my son
 Bentley Brown to him his heirs and assigns my tract of
 land lying in the Hanover County [sic] known by the
 name of the ordinary tract also nine hundred acres of
 my Kentucky land also four negroes named Brutus, Lidley,
 Abram & David one good work horse three cows and calves
 and four sheep- I give devise and bequeath to my son
 William Brown to him, his heirs and assigns my tract of
 land lying in Albemarle County whereon my negroes live.
 Also nine hundred acres of my Kentucky land also four
 negroes named Fortin, Anthony, Candis & Elijah one good
 work horse, three cows and calves and four sheep- I
 give and devise to Waller Overton six hundred acres of
 my Kentucky land being the consideration he was by
 agreement to receive for locating surveying and
 returning plats and certificate for the whole of my
 Kentucky land. It is my will and desire that if any of
 my children should die before they come of age or
 lawfully married that then the legacies given them shall
 be equally divided among the survivors, that my executors
 hereafter named do pay of the legacies to my children
 as they come of age or are lawfully married, that my
 said executors at their discretion after my decease do
 proceed to sell all my lands not given away in legacies
 also the crops of tobacco remaining on hand, and such
 other of my estate as shall be sufficient to discharge
 my debts- It is my will and desire that my whole
 estate be kept together under the care and direction of
 my executors and in the possession of my wife for the
 support and education of my children- It is my will
 and desire that my wife have the liberty to work the
 labouring negroes on any of my sons lands in Albemarle
 that at the expiration of this present year she remove
 up to the house now occupied by James Gignilliat and the
 house wherein I now live to be rented out that if my
 said wife should marry before my youngest child comes of
 age that she then be dispossessed of all my estate except
 her legacy It is my will and desire that if my wife
 remains a widow till my sd. youngest child comes of age
 that the remainder of my estate be equally divided among
 my wife and children that a true and perfect Inventory
 of my whole estate be taken and transmitted to court
 and that my said estate be not appraised-

Lastly I do constitute and appoint my friends James
 Bullock and Charles Thomson and my son John Brown execu-
 tors of this my last will and testament to manage that
 part of my estate being in Hanover County and my brothers

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Benjamin Basilleel Brown and my said son John my executor to this my said last will to manage that part of my estate being in the county of Albemarle hereby annulling and making void all other wills by me heretofore made declaring this only to be my last will and testament. In witness whereof I have hereunto set my hand and affixed my seal this eleventh day of February one thousand seven hundred and eighty One.

Signed sealed & published

Ben. Brown

In presence of us

George Smith

Rob. Honsyman

Edward Bullock

At a Court held for Hanover County on Thursday the 5th day of April 1781 this last will and testament of Benjamin Brown deceased was offered to proof by Charles Thomson and James Bullock executors therein named and was proved by the Oath of George Smith & Robert Honsyman witnesses thereto and also by the oath of the said executors and is ordered to be recorded

Teste William Pollard Jr. C.E.C.

June 1822 A copy test

Thomas Pollard D C H C

Virginia Hanover County to wit

I William Pollard clerk of the court of the said County do hereby certify that the foregoing transcript is a true copy from the record of the said county court of Hanover

In testimony whereof I have hereunto set my hand and affixed the seal of the said county the eleventh day of June one thousand eight hundred and twenty two.

William Pollard

Virginia Hanover County to wit

I Thomas Tinsley Presiding Magistrate in and for the county & State aforesaid do hereby certify that the above named William Pollard is clerk of the said county of Hanover and to all his official acts as such full faith and credit is due and ought to be given and also that the above attestation is in due form of law Given under my hand this 26th day of June 1822.

Thomas Tinsley