

Dakota
Will

I Andrew Baker son of James Edward County and State of Virginia being of sound mind and viewing the certainty of death and the uncertainty of life, have thought proper to make and publish this my last will and testament, revoking all other heretofore made by me. I will that all my just debts be punctually paid previous to a distribution of my estate. I give and bequeath to my loving wife my negroes Polly, and her child Tom, Isham, Daniel, Jesse, young Tom and Sally, to live and her heirs forever. It is my will and desire that my wife be permitted to keep big Tom in her possession to aid and assist her in the management of her plantation and other affairs so long as she or my executors hereinafter named shall think his assistance necessary to her ease and comfort provided that he shall not remain with her longer than ten years, at which time or whenever he shall be taken out of the possession of my wife it is my will that he be emancipated: and for his services which in the possession of my wife it is my desire that he receive a reasonable compensation to be judged of by my executors and by them paid out of any money which shall come to their hands. My will is that my negroes Jack and Moses be hired out by my executors from year to year for and during ^{the term of} six years, that they be permitted to choose the person to whom they will be hired provided

attest. E. Baker
J. P. Foster
J. Morton

it can be done with convenience to all parties: and that they be
given by my executors, one third of their yearly hire, and at the
end of six years my will is that they be liberated or emancipated. my
will and desire is that my negro woman Lucy remain with my
living wife for the support of her (Lucy's) children, so long as her
labours shall be deemed necessary toward maintaining them and if
they should be found insufficient for the support of the children
she now has or may hereafter have, it is my desire that a sum of
money be given by my executors which with her labour shall support the
children, and it is my will that she shall be disposed of at the death
of my wife in such a manner as she thinks best suited to Lucy's happiness
and past conduct. I will and desire that Lucy and Sam be hired out by
my executors from year to year for four years, that they be permitted to
serve the persons to whom they wish to be hired if practicable, and the
first year receive one third of the sum for which they are hired, and one
half for the remaining three years and then to be emancipated, my
will and desire is that all my negro children now living and such
as may come into existence before their mothers are emancipated, be
bound out by my executors to learn some trade or profession which
they shall think the children sufficient as their testimony

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money be given by my executors which with her labour shall support the
children; and it is my will that she shall be disposed of at the death
of my wife in such a manner as she thinks best suited to Lucy's happiness
and past conduct. I will and desire that Lucy and Sam be hired out by
my executors from year to year for four years, that they be permitted to
serve the persons to whom they wish to be hired if practicable; and the
first year receive one third of the sum for which they are hired, and one
half for the remaining three years and then to be emancipated. my
will and desire is that all my negro children now living and such
as may come into existence before their mothers are emancipated, be
bound out by my executors to learn some trade or profession when
they shall think the children of sufficient age they taking
care to demand and receive of the persons to whom they bind them

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Bonds with Satisfactory Security in a sufficient penalty to learn them their
trade and to educate them so far as will enable them to read distinctly
and well at the age of twenty one years at which time they are to be
emancipated by my executors. but if it should so happen that any part
or all of the negroes intended to be emancipated by Will are not received
from any cause whatever then and in either case my desire is that they be
at liberty to choose whether they will after their ⁱⁿ respective term
herein before named consent to be hired out from year to year and receive
the whole of their hire except so much as shall be found necessary to pay the
necessary expenses and trouble attending them or whether they be sent to
the North western Territory where they will be entitled by law to that
freedom to which they are entitled by nature and if they make the
latter election, one year here shall be reserved by my executors for the
purpose of defraying their expense to that Country. My will
and desire is that as soon after my death as the State of my bro^r will
permit my personal estate be appraised except my negroes by four
intelligent and respectable persons to be chosen by my executors without
the interference of Court. And in case the appraisers cannot agree they
are to choose a fifth person and a majority of them to decide all disputes
after the appraisement has been made it is my wish that my loving

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wife decide to choose out one half of the property agreeable to its
appraised valuation, and also one half of all cash and bonds which may
be on hand (those due me from Leppa Meshau, Joseph Meshau &
Daniel Meshau and a judgment against George Booker excepted)
which said property so chosen I give to her and her heirs forever the
remaining part of the property I will to be sold (except a bed and
furniture) at public sale allowing a credit of two years for all sums above
ten dollars the purchaser giving bond with approved security to bear
Interest from the date if not punctually paid and for all sums of ten
dollars and under a credit of twelve months to be allowed on the purchase
giving bond and security as above I give and bequeath to my wife Katy
Baker a feather bed and a sufficient quantity of furniture and all my
interest in a negro man now in the possession of her brother Elliott
Baker to have and enjoy them for and during her natural life and
at her death I give them to my wife and her heirs forever.

I give and bequeath to my Nephews Andrew Baker Shillington and
Andrew Baker son of Joseph Baker ten pounds each to be paid them
previous to a general distribution of my personal estate or the money arising
from the sale thereof I give and bequeath to my living wife my brother
Lamuel Childen and my nephew Elliott Baker all my right and interest
unto three shares in the Buffalo Congregation Library to them and
their heirs forever I give and bequeath

Samuel Mesthouse and a judgment against George Booker excepted) which said property so chosen I give to her and her heirs forever the remaining part of the property I will to be sold (except a bed and furniture) at public sale allowing a credit of two years for all sums above ten dollars the purchaser giving bond with approved security to bear interest from the date if not punctually paid and for all sums of ten dollars and under a credit of twelve months to be allowed on the purchase giving bond and security as above I give and bequeath to my wife Katy Baker a feather bed and a sufficient quantity of furniture and all my interest in a negro man Sam now in the possession of her brother Elliott Baker to have and enjoy them for and during her natural life and at her death I give them to my wife and her heirs forever.

I give and bequeath to my Nephews Andrew Baker Shilledney and Andrew Baker son of Joseph Baker ten pounds each to be paid them previous to a general distribution of my personal estate or the money arising from the sale thereof. I give and bequeath to my loving wife my brother Samuel's children and my nephew Elliott Baker all my right and interest unto three shares in the Buffalo Congregation Library to them and their heirs forever. I give and bequeath one moiety of the judgment which I have obtained against George Booker and Joseph Mesthouse County Court of Tazewell County to the funds of the

Congregation. One fourth of the said Judgment I give to my loving
wife and her heirs for ever and the remaining fourth I give to
~~to the use of the~~ the Buffaloe Congregation and their Successors
to be applied to the purchasing religious Books for the use of such
poor youths as are unable to purchase for themselves. It is my
will and desire that the principal of the bonds but no part of the
Interest due me from Sime Melchior, Joseph Mishaux and Daniel
Mishaux be by my executors applied in the following manner
to wit, that the principal of the bond due the first day of April
eighteen hundred and three be given to the Charitable Fund proposed
to be raised by the Presbytery of Hanover and by the managers
thereof applied to the educating poor and pious youth that the
principal of the bond due 1804 be given to the fund last aforesaid
and by the managers thereof applied to the support of missionaries
and the principal of the bond due April the first eighteen hundred
and five be given the said fund to be laid out by the managers
thereof in purchasing useful Books to be distributed agreeable
to the rules of the said fund amongst the poor, I give and bequeath
to my sister Esther Shellenbarger and her children, to my sister Jane
Hanson and her children, to my sister Matty Davidson and her

Children to my brother Samuel Baker Children to my sister
Elizabeth Baker Children and to my brother Joseph Baker and his
Children an equal part of all moneys arising from the sale of my
personal estate not before bequeathed, also one equal part of all
moneys and bonds on hand at the day of my death, and not other-
wise disposed of by my will and desire is that the Children of my
niece Jane Thompson daughter of my sister Thelma receive that part
of my estate to which their mother would be entitled from this
will, provided she was alive on the day of my death, if any of
my ~~children or nieces~~ should die leaving no issue it is my will
that their share shall be distributed among the devisees
living at the time the devise is made. But should they
depart this life leaving issue alive, my will is that the
Children of the deceased have that portion which their parent
would have taken if a living, I lend to my loving wife during
her natural life all my land, and after death to be sold
by my executors upon such terms as shall to them appear
most advantageous to those to whom the purchase money
is to be given, my will and desire is that the money arising
from the sale of my land be given to my sister Esther
Thelma and her Children to my sister Jane Armstrong
and her Children to my sister Matty Davidson
and her Children to my brother John Baker and to his

Children an equal part of all moneys arising from the sale of my
personal estate not before bequeathed, also one equal part of all
moneys and bonds on hand at the day of my death, and not other-
wise disposed of by my will and desire is that the children of my
niece Jane Thompson daughter of my sister Thelma receive that part
of my estate to which their mother would be entitled from this
will, provided she was alive on the day of my death, if any of
my ~~children or nieces~~ ~~should die leaving no issue~~ it is my will
that their part on shall be distributed among the survivors
living at the time the division is made. But should they
depart this life leaving issue alive, my will is that the
children of the deceased have that portion which their parent
would have taken if a living, I lend to my loving wife during
her natural life all my land, and after death to be sold
by my executors upon such terms as shall to them appear
most advantageous to those to whom the purchase money
is to be given, my will and desire is that the money arising
from the sale of my land be given to my sister Esther
Thelma and her children to my sister Jane and her
and her children to my sister Mary and her children
and her children to my sister Joseph Baker and her children

to my brother Duggie Baker children and Samuel Baker children
after the same manner as the personal estate already devised to them. To
have and to hold the same to them and their heirs forever. It is my ardent
wish with my sincere desire, that all difference and opinion (if any) which may
arise respecting my will should may shall be decided in the following
manner to wit, the contending parties shall choose each two intelligent and
respectable persons no way interested who shall if possible agree but
if they cannot then they shall call in a fifth person to give the
casting opinion which shall to all intent and purposes be as binding
upon the contending parties as the decision of any court of record in this
Commonwealth or any court within the limits of the United States
and lastly, I do hereby nominate and appoint my loving wife Executrix
Andrew Baker John Baker and William Baldwin or any one or more
of them executors of this my will and testament in Testimony whereof
I have here set my hand and affixed my seal this third day
of January 1804 and in the Twenty eighth year of the Commonwealth

Witness

E. Booker

John Watson

George P. Foster

Andrew Baker

John Norton
George P. Foster
Samuel F. Mills
mark

18th 1804

(At a Court held for Prince Edward County June the 18th 1804
This last will and Testament of Andrew Baker Senr. Deceased was
presented in Court and proved by the oaths of John Norton and George
Foster two of the witnesses thereto ordered that the same be recorded.
(William Baldwin one of the executors therein named in open Court
refused to take upon himself the burthen of the Execution thereof) and
on the motion of Catharine Baker Executrix and Andrew Baker and
John Baker the other Executors therein named who with Samuel Baldwin
and William Baldwin Securus entered into and acknowledged their
bond for that purpose in the penalty of Six thousand pounds and
conditions according to law and took the oath required by law.
certificate for obtaining a probat thereof in due form is granted
them.

Teste

J. W. Watson L.C.

(P)

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In the name of God amen I James Frazer of Saint Patrick's