

Country and State of Virginia being in full health, but of sound and perfect mind and memory and considering the certainty of death, and the uncertainty of the time thereof, do make and appoint this my last will and testament in the manner and form following to wit: First and principally I commit my soul to God, in humble hopes of its future happiness, and my body to the earth to be buried in decent Christian burial order -

Secondly - I give to my Beloved wife Henrietta J. Harris, all of my Estate both real and personal whatsoever, there may be left after my just debts are paid, for her to have and hold and to dispose of at her own good will and pleasure.

I request that my wife shall hold my present home tract of land containing 42 1/2 acres, known as the George D. Johns tract otherwise to sell said tract of land and apply enough of the proceeds of the sale to pay all of my debts, and the remainder of sale or lands shall be her own to hold forever clear of claims

And lastly I do appoint my wife Henrietta J. Harris sole Executor of this my last Will and Testament, ratifying this to be my last Will and Testament.

In testimony whereof I have hereunto set my hand and affixed my seal this 16th day of May One Thousand Eight hundred and Seventy Six - Signed sealed and acknowledged in presence of witnesses

David A. Poage
Samuel W. Henry
Elijah Poage

Benjamin J. Harris *Sealed*

At Roanoke County Court July Term 1876.

The last Will and Testament of Benjamin J. Harris deceased, was this day produced in Court and proved according to law by the oaths of Samuel W. Henry and Elijah Poage subscribing witnesses thereto, and is thereupon ordered to be recorded.

A copy from the records of Court.

Teste Wm. McCauley, Clerk.

Elizabeth Shirey: In the name of God. Amen. I Elizabeth Shirey of the County of Roanoke and State of Virginia, being of sound and disposing memory, but considering the uncertainty of life, and commending my spirit to God who gave it, I make and ordain this my last Will and Testament.

After the payment of my just debts, if I should owe any,

tion of my Estate. I make the following disposition of my Estate. I purpose to give away and dispose of what little personal Estate, I now, or may hereafter own; during my life time, and do not wish such disposition disturbed by my Executor; but if I shall leave any personalty undisposed of; he will in that case administer the same as herein directed. —

I direct that my Executor shall sell my house and lot situated in the town of Salem in Roanoke County Virginia, for cash, to pay my burial expenses, administration of my Estate & if need be, and the remainder on a credit of one and two years in equal installments.

I give to my Executor in Trusts for my sister Jane W. Sherry One thousand dollars, for the only proper use and behoof of my said sister during her natural life. My Executor shall pay to her the interest thereon annually, but if her necessities shall require it, he shall appropriate any portion or the whole of the principal to her support. — Should my said sister not survive me, or shall die thereafter and any portion of this bequest unexpended, then it is my desire that the same shall be equally divided between my Brother Peter Sherry and my niece Mrs Margaret Jane McCauley which I bequeath to them.

I give to my niece Mrs Kate B. Holland One thousand dollars, and in case of her death before I die, to the lawful heirs of her body, but in case she shall die without issue before my death, then I bequeath one half of said sum, to wit; five hundred dollars to her husband Robert C. Holland, and the other half (five hundred dollars) in Trust to my Executor to be appropriated to the uses and purposes of the Seminary of the Evangelical Lutheran Synod in America, located in the town of Salem Roanoke County Virginia; but in case any legal difficulty shall occur to prevent its being so appropriated, then my Executor shall appropriate the same to the support of the Pastor of the Lutheran Church in Salem Va.

I am appropriating funds for the education of my niece Julia F. C. Sherry (daughter of my Brother Peter Sherry) and purpose to appropriate Five hundred dollars, for that purpose. If I shall die before the whole of said sum is appropriated, then my Executor shall so appropriate a sum out of my Estate for said purpose sufficient to make the aforesaid sum of five hundred dollars, including the amount expended during my life time. — If the whole sum of five hundred dollars shall have been expended during my life, then this bequest to be null and void. —

I give to my great niece Minnie B. McCauley, daughter of William McCauley, Five hundred dollars, to be paid to her by my Executor.

In case my Estate shall, after the payment of the foregoing bequests &c, exceed the sum of the whole, then I desire said surplus shall be distributed pro rata to the aforesaid beneficiaries according to the amount of their respective devises; and so if the amount shall fall short and not be sufficient to pay the whole; then each bequest shall be reduced pro rata according to their several devises.

this my last Will and Testament. Witnefs my signatures and seal this 20th day of November 1872.

Erasum in 17th line and interlineation in 21st line 2nd page before signed.

Erasum in 6th line 2nd Page before signed.

Witnesses

Elizabeth Shirey ^{her} X ^{mark} Shirey (seal)

Signed and acknowledged
in our presence, both being
present at the same time.

Colin Bap.

L. Duncan

At Roanoke County Court, August Term 1876.

A writing purporting to be the last Will and Testament of Elizabeth Shirey deceased was this day produced in Court and Littlebury Duncan, the surviving witness to the said writing, being sworn, deposed that the said Elizabeth Shirey acknowledged the same in his presence, and in the presence of Colin Bap, the other subscribing witness to the said writing, who is now dead, both of said witnesses being present at the same time, as and for her last Will and Testament; that he, the affiant, subscribed his name as a witness thereto in the presence of the said testator at her request; that the said testator was of sound sense and memory as far as he knew or believed; that the said Colin Bap subscribed his name as attesting witness in the affiant's presence and in the presence of the testator at her request. And William M. Barnitz, being sworn, deposed that he is well acquainted with the hand-writing of the said Colin Bap and that his attesting signature as a witness to said Will is his genuine signature. Wherefore the said writing is admitted to probate as and for the last Will and Testament of Elizabeth Shirey deceased.

A copy from the records of Court.

Teste Wm M. Cauley, Clerk.

At Mrs Lucy A. Johnston's near Salem Roanoke County Va.
Being infirm in health, but of sound and disposing memory
I make and ordain this my last Will and Testament. To wit—
1st I desire my just debts all paid & under no circumstances the Homestead Exemption to be pleaded in my favor.
2nd What may yet be due me from my Father's Estate I give and bequeath to my Bro. Edward W. Bass for his only support free from all claims. Any nett sum that may arise from this source and no charge on my Estate.