

I, Emma W. Carr, wife of George W. Carr, of the County of Roanoke, in the State of Virginia, do hereby make this as my last will and testament, or instrument in the nature thereof, hereby exercising all powers of appointment, and other rights of disposition of property which I can lawfully exercise.

I give, devise and bequeath all my Estate, both real and personal, and whatever I may have the right to dispose of, to my husband, George W. Carr, for his natural life, in trust, however, for the use, maintenance, and support of himself, & our children, and the education of said children. My said husband is to have the control and management of said property and estate, and is to apply the rents, issues and profits thereof, in his own discretion, to the use and benefit of himself, and our said children, in such manner, and in such proportions, as may seem to him to be most advantageous to him and them, as constituting a family, and without his being held liable to account therefor. This provision shall, as to my daughters, continue so long as they may remain members of my husband's family and also so long as they may remain unmarried, even though they may have attained full age. But it shall cease as to any one of my daughters, on her marriage, unless my husband, or my brother, if he should act as trustee, under this will, shall choose to continue it longer.

The Estate and interest thus devised and bequeathed to my husband for life, being given for the benefit of my husband and my children, as a family, is not to be liable for my husband's debts. But if it should turn out that the devise and bequest, as I have made it, would render the property, or its rents, issues or profits liable for the debts of my husband, then instead of making said devise and bequest as hereinbefore set forth, and in lieu thereof, I give, devise and bequeath all of my said Estate, both real and personal, and whatever I may have the right to

dispose of, to my brother, William Watts, in trust, for him to take, hold, and manage the same, during the natural life of my said husband, and to apply the rents, issues and profits thereof to the support and maintenance of my said husband and children, and to the education of the children, in such manner and in such proportions as to him, the said William Watts may seem to be fit and proper, and most advantageous to them as a family, neither the property, nor the rents issues, nor profits, to be liable for the debts of my husband. My said brother may, if he thinks fit, appoint my said husband his agent for the management of said property, without holding ^{him} the account as such agent, so long as my said brother is satisfied that the rents issues and profits are properly applied to the support and maintenance of the family, consisting of my husband and my children, and to the education of the children.

At the death of my husband, my whole Estate, both real and personal, and all that I have a right to dispose of, shall go, in for example, to my children, who may be then alive, and to the issue of such of them as may be dead, leaving issue, to be equally divided: the issue of such of them as may be dead taking the share to which the deceased parent would, if alive, have been entitled.

My husband may, whenever he thinks fit so to do, make advancements to any of our children, taking care not to advance to any one more than his or her share of the Estate. And if my brother should act as trustee, he may, with the assent of my husband, make advancements in the same manner.

I hereby authorize and empower my husband to make sale of, and to convey, in for example, the land which I own in Ballyhack, containing some two hundred acres, more or less, and also my land on the Bent Mountains, whatever the quantity may be, or so much of said Ballyhack and Bent Mountain lands, as he may think fit, and to apply the proceeds of sale to the payment of any debts now due by him. Should the land be sold by him, it will, of course, not be

embraced in the foregoing general disposition of my property. But if my husband should not choose to sell the same, so much of it as is not sold is to be embraced in the foregoing dispositions, and to go as the rest of my property under this Will. The authority hereby given to my husband to sell said lands is personal to himself, and to be exercised at his own option merely; and is not intended to confer upon his creditors, or any of them, the right to require him to sell the same, or the right to subject it, in any other manner, to the payment of his debts. And if it shall be held that the authority given him to sell the same necessarily renders said lands subject to the payment of his debts, whether he chooses to exercise said authority or not, then and in that case, I hereby revoke said authority, and direct that said lands shall pass with the rest of my property under this Will.

I except from the foregoing dispositions my watch and such articles of jewelry and silver-ware as I may have, desiring that they shall be divided among my children by their executors Mrs Holcombe, Mrs Torrell and Mrs Robertson. I will probably make known to my sisters the manner in which I desire said articles to be divided; but whether I do or not, I wish and direct that they shall divide said articles among my children.

I hereby appoint my husband, George W. Carr, my executor, and request that he may be permitted to qualify without giving security as such.

In the event of the failure of my husband to act as my Executor, or whenever he shall cease to do so, I appoint my brother William Watts, my Executor; and request that he also may be permitted to qualify without giving security as such. And I further request that security shall not be required from either my husband, or my brother, as trustees under this Will.

In testimony that this is my last will and testament I have at my hand and seal this the 5th day of

March A. D. 1872.

Emma W. Carr 

Signed sealed and acknowledged as and for her last Will and testament, by Emma W. Carr, wife of George W. Carr, in our presence, we being present together, at the same time, and subscribing our names hereto, as witnesses, in her presence, and at her request, and in the presence of each other. The word "or", on first page, erased, and the words "and also so long as they may remain", interlined in place of it; and the words "my watch and" on third page interlined before execution.

Francis Sorrel
Wm. J. Robertson
Wm. Watts

At Remond's Circuit Court, April Term 1872.
The last Will and Testament of Mrs Emma W. Carr deceased was this day produced in Court and proved according to law by the oaths of William Watts and Francis Sorrel two of the subscribing witnesses thereto, and thereupon admitted & probated the same having been stamped according to law. And on the motion of George W. Carr who made oath thereto, (and who according to a provision in said Will is permitted to qualify without giving security as surety) and entered into and acknowledged alone in the penalty of Ten Thousand Dollars conditioned as the law directs, a certificate is granted him for obtaining probate of said will in due form.

A Copy from the records of Court.

Teste

Wm. McCauley, Clerk.

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I Michael Trout of the County of Roanoke in the State of Virginia being of sound mind and memory and wishing to dispose of such worldly Estate as by the Will of Providence I may be permitted to possess do make this my last Will and Testament in manner and form as follows.

1st It is my will that my Executors herein after named shall after paying all my just debts and allowing my wife provided she lives longer than I do her legal Dower to pay to my Daughter Mary E. Byrdly formerly Mary E. Trout three hundred dollars out of the proceeds of my personal property.

2nd It is my will that the Remainder of my Estate both Real and personal shall be equally divided between my three children Sally F. Petty formerly Sally F. Trout Eliza A. Wininger formerly Eliza A. Trout and Mary E. Byrdly formerly Mary E. Trout.

3rd I appoint Smith Petty the husband of my Daughter Sally F. and Caleb G. Wininger husband of my Daughter Eliza A. my Executors who shall hold in trust for the benefit of my Daughter Mary E. Byrdly formerly Mary E. Trout all her interest in my Estate both real and personal to be managed by them as Trustees for her so long as she lives as they may think best and then paid to her children if she should then have no children or grand children her property to return to the heirs of my Estate.

4th It is my will that my Executors acting as Trustees for my Daughter Mary E. Byrdly shall have power and authority to sell and convey with general warranty any land that may fall to her the said Mary E. Byrdly in the division of my Estate and invest the same in other land

Michael Trout's Will