

going bequests are made - upon the following conditions - viz. That the said John W. Airheart is to take care of me - during my life - to see that I am properly cared for - in sickness and health - and to see that all of my temporal wants are supplied so long as I may live.

I hereby nominate and appoint my son John W. Airheart Executor of this my last Will and Testament - without being required to give security as such Executor - In Witness whereof - I have hereunto subscribed my name this 5th day of December 1853.

Anna Airheart

The above and foregoing instrument was at the date thereof signed and declared by the said Anna Airheart as for her last Will and Testament in the presence of us who at her request and in her presence and in the presence of each other here subscribed our names.

Noah J. Hertz, Roanoke, Va.

Anthony Leonard, Roanoke, Va.

At Roanoke County Court Dec. Term 1853.

The last Will and Testament of Mrs. Anna Airheart deceased was this day presented in Court and proved according to law by the oaths of Noah J. Hertz & Anthony Leonard, subscribing witnesses thereto, and is thereupon admitted to record.

A copy from the records of Court.

Testes - Wm. McCauley, Clerk.

John J. Moorman. In the name of the Holy Trinity: Amen: I, John J. Moorman of Salem, Roanoke County Virginia, do make and ordain this my last Will and Testament: written with my own hand - and to the following effect: that is to say: -

First: I appoint my son, Robert Bruce Moorman, my Executor to this my Will, with full power to carry out all its provisions, and without requiring him to give security for the administration thus intrusted to him.

Second: I give to my devoted and ever affectionate wife, the whole of my household and kitchen furniture, as well as the live stock and vehicles of every kind that I may own at the time of my death; with the understanding, that she is to have the sole right to use or dispose of the whole or any part thereof during her life, or to give away, or will the same away to any person or persons as she may think proper to do: but if she shall die without having given, sold or willed it away, then and in that case, it is my will that the whole, or such portion of the above specified property that may remain undisposed of by her, shall belong to our niece, Anna M. Scott and to her heirs forever.

I also give to my wife, my Library of Books and Manuscripts, the same or such portion of them that remain at her death, to belong to my grand sons John Bruce and Robert Powers.

I also give to my wife the sum of two hundred dollars to be paid to her in cash directly after my decease, with the additional sum of

one hundred dollars which she gave me to deposit in the bank for her benefit, with some interest thereon (See my Account Book, letter J. I desire these amounts to be paid to her without delay to supply any wants she may have for money until she can receive income from the securities left in this will for her benefit.

I set aside and apart from my estate - and place in the hands of James Chalmers Esq. of Salem, and my son Robert B. Moorman, whom I hereby nominate ^{appoint} and ^{Trustees} for carrying out the object in view: the same being in Trust: (its avails being for the use of my wife during ^{her life}) The following stocks and notes; that is to say: Sixty Shares of stock I own in the Farmers National Bank of Salem; - Seventeen shares of stock in the Bank of Wytheville, Virginia, and five notes executed by W. A. Stuart to me Nos. 6, 7, 8, 9, 10. all dated 1st Jan'y. 1876, and the principal of all in the aggregate amounting to the sum of Twelve thousand three hundred & one dollars, together with the Holston Salt & plaster Co. Spur which I hold as a collateral for the payment of these bonds.

The whole amount thus placed in Trust for my wife's benefit, being \$20,000. The dividends & interest upon these securities, are to be collected as they fall due, & be paid over by the said Trustees to my wife, one-half of any unpaid dividends or interest upon these stocks & notes at the time of my death, shall belong to this Trust fund & be paid over to my wife for her use. If from any cause, one or both of the Trustees hereby appointed shall cease or fail to act as such, then in such case, another judicious person or persons as the case may be (with the approbation of my wife as to the person or persons) shall be appointed to take the place of him, or they, that may have ceased to act.

At the decease of my wife, it is my will that the principal of this fund hereby set apart for her life support & comfort, be inherited as follows: that is to say; One-fifth of the same, shall belong to and be paid over to Elvira Moorman Scott, to be her sole, individual and separate property; two-fifths to be paid over to Martha Jane Buford and Louisa Lusk, one to each, to be their sole, separate and individual property. The remaining two-fifths to be placed in the hands of my son Robert B. Moorman as Trustee for his two sons, John Bruce and Robert Powers, to be held and managed by him for them during their minority, and longer, if he shall deem it best for their permanent interest, & until he shall deem it wise, prudent and judicious, to place the whole with its accumulated interest into their own hands respectively. This Trusteeship to take place irrespective of the age of his sons at the time of the death of my wife.

I also give to my wife during her life, the house and lot in Salem in which we reside, and also my pasture lot in the Western part of the town.

This life time provision for my wife includes the store House occupied by Mr. Burdett, but not the house built by Mr. Geo. P. Taylor and myself.

In setting aside the above mentioned property for the use and comfort of my wife, it is possible that the accruing interest on the stock and notes with the rental of the Store House, may yield some amount of annual surplus over and above any amount she may desire to use: - any such surplus from these sources, if any shall be found to

exist at the time of her death and shall be undisposed of by her by Will or otherwise, shall belong to & be equally divided between our niece Elvira Moorman Scott and her daughter Mary Eddie Herndon Scott. It is my preference that my wife herself during her life, dispose of any such surplus, if any exist, and just as she prefers.

It must be noted that this intention & direction as to a possible surplus from the means left for the support & comfort of my wife is not designed even to imply a wish that she ~~is~~ in any way restrict herself, or be restricted in in expenditures in any way her taste, comfort & happiness may dictate; or in the free & generous use of any means that may be at her disposal: it is exclusively intended to avoid any uncertainty of lawful inheritance of any surplus from the results of my life time provision for her that might not have been disposed of by her during her life.

Third- I give to my grandson John Bruce Moorman, to be placed in the hands & under the management of his father, Robert B. Moorman as his Guardian or Trustee, & whom I hereby nominate & appoint as such; my half of the Store House & lot on which it stands, owned jointly by George P. Taylor Esq. and myself in Salem. Said Guardian or Trustee to have the exclusive management of the property, the collection of rents &c, during the minority of his son - and after this event, if in his judgement it shall be best for the interest of his ward - and until he the said Guardian & Trustee shall think it wise and prudent, and for the best interest of his son, that he should place him in possession, & pay over all rents he may have collected.

Fourth- I give to my son, Robert Bruce Moorman, his lifetime estate in my house and lot and pasture lot in Salem; he to become in possession of the same at the death of my wife - unless our niece Elvira Moorman Scott shall desire to occupy it for six months or less time, at her discretion, until she arranges for her permanent location, in which case she shall be permitted to do so freed of rent for the time - the use of the pasture lot and rent of the store house are included in this privilege offered to her. The foresaid house & lot & pasture lot to be inherited at the death of my son, by my two grand daughters Martha Jane Buford and Louisa Scott in equal interest, to be their sole, undivided and separate property.

I also give to my son Robert Bruce Moorman, his life estate, in a house and lot, ^{known} on West Fayette Street in the City of Baltimore, known as No. 109 the same I purchased of Campbell & Glocher.

I also give to my said son his life estate in two lots of ground I own on Locust Point, Baltimore, on Breckin and Marjett Streets, which I purchased of Alongo Welch: I also give to my said son, his life time estate in Eleven Houses & lots or tenements, ten of which lie on the South side of South Charles Street & between Fort and Clearmont Streets and one Fort Street or Avenue, and near Charles Street in the City of Baltimore; all of which I purchased of Henry Goulet; - all and singular of the above mentioned property to belong to and be inherited at the death of my son, by my two grandsons, John Bruce and Robert Bonner Moorman, in equal parts or interest; to them & to their heirs forever: provided however, that the said lot and houses and lots, or any portion of them, remain unsold at

the time of the death of my son - and I hereby give to my son, the said Robert Bruce Moorman, the Executor of this my will, full power and authority to sell and convey as my Executor, all, or any portion of the above named property in the City of Baltimore, to wit, the house and lot N^o 109 on West Fayette Street - two lots on Crook's and Main Streets, and the ten houses and lots on South Charles Street - and the house and lot on Fort Street or Avenue: - but if he shall sell any or all of said property, it is my wish and will, that after receiving the money on such sale or sales, that he, as my Executor, invest the same as received in some safe way for the benefit of my said two granddaughters, to be paid over to them at his death, but without paying interest on said investments. I exclude the payment of interest because it is my desire that my son shall have the full benefit of the property during his life.

Any other real property which I may own at the time of my decease, & which may not be mentioned in this will, I give to my son Robert Bruce Moorman and to his heirs.

Fifth: Having already given and assigned to my grand children & to some others in some degree dependent upon me the portion of my estate I designed they should inherit, and a part of the portion designed for my son; and this mainly with the view of avoiding delay in actual inheritance and preventing trouble and responsibility to my Executor: now when my son and Executor shall first have fully carried out the provision of this Will in reference to my wife's life supports by placing in the hands of her Trustees the five notes of W. A. Stuart and the guarantee of the 500 shares of the Holston Salt & Packer Company held by me for the security of these notes - the 60 shares of the Salem Bank stock and the 17 shares of the Wytheville Bank stock & paid to my wife the \$500 in cash as directed settled up and paid all debts against me if there shall be any, together with all past mortuary expenses immediate or prospective; together with any and all special bequests or provisions made or to be made in this will, or any codicils thereto - all these requirements being first fulfilled and accomplished I give to my son Robert Bruce Moorman the entire remainder of my personal estate, consisting of bonds, notes, mortgages or other evidences of debt.

My manuscript Life in book form of my sons most excellent mother, I leave as a special bequest to my grand daughter, Martha Jane Buford, with instructions to my Executor to have it neatly bound and quilt for her. - To my Grandson, John Bruce, I leave as a special bequest, my Gold Watch which I have worn for many years.

- To my son Robert, I leave after the death of his mother, my Journal of Travels in Europe and my Auto. Biography - (both in manuscript) with any other Manuscripts that he may desire to have.

I desire that my son & Executor take from my estate, the sum of two hundred and fifty dollars and give it in equal portions to my daughter in law Annie, to my two grand daughters, Martha Jane Buford, Lurisa Luck, Ella, M. Scott and her daughter Mary Eddie Herndon \$50.00 to each; to be used by them in purchasing any permanent mementos they may choose in memory of my affection of each of them.

And now, sincerely thanking my son for his uniform dutiful affection and ever filial attentions to his present mother, I with great confidence commit

and, commend her, if she shall survive me, to his efficient and affectionate protection.

Witness my hand and seal this 24th January 1884.

John J. Moorman *Seal*

Codicil No. 1 to my will dated 24th Jan'y 1884, to the following effect; that is to say: I desire my Executor to place the sum of five hundred dollars of my Estate in the National Bank of Salem, in the name of the "Moorman Missionary Fund," but subject to his check, and at such interest as the Bank may be willing to allow under such circumstances. Of this fund my son shall draw out one hundred dollars a year, and with it pay \$50 each year, to the Foreign Missionary Society of the Presbyterian Church South - and \$50 - to the Home Missionary Society of the Presbyterian Church South. The interest that may accrue on this deposit, I wish my son to retain as his own, for his trouble in attending to the matter. Given under my hand & seal, this 22nd Feb'y 1884.

John J. Moorman *Seal*

Codicil 2^d to my Will dated 24 Jan'y 1884, to the following effect; I have a written contract with Commodore Ward, the father of the colored boy Lemuel, that runs with me - that the boy is to remain in my service for five years from the 12th August 1883. While I am under no obligation of contract or understanding to do so - Nevertheless as the boy Lemuel is a trustworthy and good boy, I desire if he shall remain with me or my family for five years as agreed upon, that my Executor give him at the expiration of that time for his own use, the sum of one hundred dollars.

Witness my hand & seal this 22 Feb'y 1884.

John J. Moorman *Seal*

Codicil 3^d to my will dated 24th January 1884, to the following effect; that is to say: in the body of my will I make it the duty of my son & Executor among other things to be done before he inherits the remainder of my personal estate, to pay all post mortem expensated "immediate and prospective" - to carry out this particular requirement. I hereby direct that one thousand dollars of my estate be set aside in the hand of my Executor to pay such immediate & prospective expenses - such as of putting a suitable iron fence around the lot in which my remains may be deposited. (I mean the plot of ground in which I may be buried) and in putting such plain neat structure, substantial in its character, over my grave and the grave of my wife after she shall die, as my son may determine upon. If it be found that the expenses thus to be immediately incurred together with such increased expense as may occur after the death of my wife in making a proper erection over her grave, will exceed the sum of one thousand dollars, then and in that case, I desire that such an amount over & above that as may be necessary to effect the object, be used from my estate to accomplish the desired purpose. If on the other hand the thousand dollars be more than sufficient, then only the actual sum necessary to be expended to be deposited in this way. Witness my hand & seal this 6th March 1884.

J. J. Moorman *Seal*

Codicil No. 4, to my will dated 24th January 1884, to the following effect; that is to say; all the gifts I made during my life time to my son Robert Bruce, to

each of my four grand children, to Ella M. Scott, to Mary Eddie Herndon Scott and to my wife - whether said gifts were actually delivered to them, or assigned to them to be delivered to them after my death, are fully confirmed to them by this my will. Witness my hand and seal this 6th March 1854.

John J. Moorman *Seal*

Codicil to my will dated 24th Jan'y 1854, to the following effect; that is to say, in my will I have directed that at the death of my son Robert my real property in the city of Baltimore shall belong, my grandsons John Bruce and Robert Powers Moorman, & have given my son Robert the right to sell & convey the same during his life should his judgment approve of his doing so, with the understanding however, that in case he does so, the amount for which the property may be sold shall at his death to be paid over (but without interest) to the said John Bruce and Robert Powers - and now I desire to add as my wil^d this connection, that I leave it entirely, and fully to the discretion of my son Robert whether the Baltimore real property before alluded to, or the proceeds thereof, if it be sold, shall be placed directly in the hands & under the management of the said John Bruce and Robert Powers or whether it shall be placed in the hands of trustees for their benefit after his death. Witness my hand and seal this 4th October 1854.

John J. Moorman *Seal*

Codicil to my will made 24th January 1854 to the following effect; that is to say: I give to my grandson, Robert Powers Moorman the sum of one thousand dollars to be used at the discretion of his father for his education.

I also give to my adopted grand child, Mary Eddie Herndon Scott the sum of one thousand dollars in addition to what I have previously given her, to be used at the discretion & under the direction of her mother Elvira M. Scott in her education at such seminary or seminaries as she may select, the money to be paid in instalments by my Executors as it may be required to meet the schoolastic expenditures.

Witness my hand & seal this 4th October 1854.

John J. Moorman *Seal*

At Roanoke County Court January Term 1855.

A writing purporting to be the last Will and Testament of John J. Moorman deceased with six several Codicils thereto annexed, was produced in Court by Robert B. Moorman, the Executor therein named, and three being in subscribing witnesses thereto, James Chalmers and Robert H. Logan were sworn and severally deposed that they are well acquainted with the Testator's handwriting, and verily believe the said writing with the name thereto subscribed and each Codicil with the name subscribed to each of them to be wholly written by the Testator's hand. Whereupon the said writing together with the Codicils thereto annexed, are ordered to be recorded as the true last Will and Testament of the said John J. Moorman deceased.

A copy from the Records of Court.

Teste:

Wm. McCauley Clerk