

produced in Court and proved according to Law by the oaths of David Sloan, Benjamin Deyard, and Henry St. Chapman, subscribing witnesses, thereto, and is ordered to be recorded

Teste

J. Johnston

John Smith.

I John Smith of Roanoke County and state of Va. being in a low state of health but sound in mind and understanding, do make and constitute this my last will and testament; Item; it is my will that my property shall be kept together for five years, except the perishable part, such as stock farming utensils, crop household furniture &c. my negroes may be hired out for that term except that portion otherwise disposed of in this my will, but if my executor after settling my estate shall deem it ~~necessary~~ he may make the disposition of my estate as hereafter directed in this my will; Item; I give to Elizabeth Riffed one thousand dollars a portion of which must be paid enough for her support previous to settlement of my estate and the balance when the estate is settled I also give her one negro girl named Saranell, who is to be put in her possession as soon as arrangements can be made after my decease; Item; I give all my land except forty acres of the upper end to my two sons, Washing and John to be equally divided leaving my friend James Goodwin as trustee; for my son Washington to take care of all the property herein left for the benefit of my son Washington and his family; Item; I leave forty for the benefit of my son Washington and family; Item; I give Clifford Stance and Charles to my son John; I ~~leave~~ leave Bob for the benefit of my daughter Polly Humphreys, and children my son John to act as trustee and take care of all that shall be left to her in this my will; Item; I give to my daughter Milly Gordon's children one seventh part of all that portion not otherwise disposed of in this my will; Item; I give to my daughter Sarah Riddle Red and her equal portion not otherwise disposed of in this my will; Item; I give to my daughter Nancy Thompson Phillips Rhoda and her son Dick and her share of other property not herein named; Item; I give to my son Absoloms children forty acres of land off of the upper end of my land and joining the land on which my son wife America Smith now lives the line to run North and South together with equal portions that is not herein disposed of; Item; I give to my grand daughter Nancy Mc Gargo two hundred dollars to be paid to her by my executor when my estate shall be settled and she shall be of lawful age or married, and that shall be her share, my son John I leave as trustee for my daughter Milly's children, after my estate is settled it is my will that all the effects not otherwise disposed of shall be equally divided between all

the heirs except my grand daughter whose share is named, or is also my will that my Executors, shall hold enough in their hands for the support and comfort of the two old negroes and see that they do not suffer for the necessities of life wish for them to stay in the place; I do nominate and appoint my son John Smith, to be my Executor of this my last will and testament, also Robert Lewis senr. I publish and declare this and none other to be my last will and testament, as witness whereof, I hereunto set my hand and seal, the sixteenth day of November, in the year of our Lord eighteen hundred and fifty four
John Smith (Seal)

Teste
Samuel Phillips senr.
Benj. Faris.
Robert Lewis senr.

At Roanoke December Court 1854; This last will and testament of John Smith decd. was produced in Court and proved according to Law by the oaths of Samuel Phillips senr. Benjamin Faris, and Robert Lewis, Jr. and admitted to record

A Copy from the Record of Court

Teste

J. Johnston

Sarah Burnett.

In the name of God Amen: I Sarah Burnett of the County of Roanoke and state of Virginia, do make and ordain this my last will and testament in manner and form as follows: To wit: 1st I desire after my death that my body be decently buried, and the expenses attendant, as well as all my just debts, be paid out of my estate; 2nd I give to my brother Absalom Smith all my flock of sheep, which may belong to me at my death; 3rd I give to my grand son Byrd Allen Robertson two hundred dollars (\$200); 4th I give to Sarah Burnett Robertson, daughter of my grand son Byrd Allen Robertson twenty five dollars (\$25); 5th I give to Mr. America Smith, my niece, and who is also the daughter of my brother Absalom Smith twenty five dollars (\$25); 6th I give to Martha Smith, my niece, and who is also the daughter of my brother Absalom Smith twenty five dollars (\$25); 7th I give to Mrs. Martha Smith, my sister in Law, and who is also the wife of Absalom Smith twenty five dollars (\$25); 8th I give to Mrs. Sarah Reynolds my niece, and who is also the daughter of my brother Absalom Smith twenty five dollars (\$25); 9th I give to Mrs. Sarah Russell, my niece, and who is also the daughter of my brother John Smith twenty five dollars (\$25); 10th I give to Mrs. Mary Humphreys, my niece, and who is also the daughter of my brother John Smith, twenty five dollars (\$25); 11th I give to Mrs. Sarah Booring my niece and who is, also the daughter of my

sister Elizabeth Woods twenty five dollars. (p. 35). 13th I give to my brother William Smith if he be alive at my death, if however my said brother William, shall not be alive at my death, then I desire that this bequest be equally divided between my residuary legatees, viz: my brothers, Absalom & John Smith, three hundred dollars, (\$300). 14th I desire that my Executor proceed to sell all my Estate (after my death), both real and personal, including the lands, negroes, and personal estate willed to me by my late husband Joshua Burnett, and pay off all the foregoing cash legacies, and all other just claims against me, the expenses of executing this will &c. the remaining portion of my estate I give to my brothers John and Absalom Smith to be equally divided between them; 15th It is my will and desire that if my brothers John and Absalom can so arrange to have the cash legacies paid by the sale of my other property or otherwise that they purchase the negroes, themselves, as I desire that they shall not go out of the family. 16th Whereas, it is uncertain whether that portion of the land on which I reside, containing the grave yard, where I wish to be buried, and where lie the remains of my late husband Joshua Burnett, will fall to my share in the division under my late husband's will, I desire if it does, not fall to my lot, that my Executor, purchase a title to said grave yard of the owner or owners, and have the same deeded in trust to my brothers John & Absalom Smith to be held sacred forever as a grave yard. If it does fall to my lot, I leave the said grave yard in trust to my aforesaid brothers, for the use of a grave yard forever. Lastly I do hereby revoke all other will or wills by me made & declare this to be my last will & testament, and hereby constitute and appoint my friend Edwin Bap Executor of the same, witness my signature and seal this seventh day September one thousand eight hundred and fifty four

Witness
John Annen
William M. Fugue
Jacob Leonard

Whereas I Sarah Burnett of the County of Roanoke and State of Virginia, have by my last will and testament in writing duly executed, bearing date 7th September 1854, given and bequeathed to my late brother John Smith, a certain portion of my estate, now I the said Sarah Burnett, being desirous, of altering my said will in respect to the said legacy, do therefore make this present writing, which I will and direct to be annexed as a Codicil, to my said will and taken as a part thereof, and I do hereby revoke the said legacy by my said will given to my said brother John Smith, and I do give unto the following persons in addition to what I have already bequeathed them in my said will - viz: Byrd Allen Robertson seventy five dollars to Sarah Knudell fifty dollars who is not mentioned

in my will, to Sarah. Doosing fifty dollars, to the children of Benjamin Fair by my niece Mary Lett fifty dollars, to Martha Smith fifty dollars to the children of Mily Gordon fifty dollars, to Sarah Reynolds fifty dollars, to William Woods fifty dollars, the remaining portion of my estate, after the legacies left in my will, & this codicil &c, I give to my brother Absalom Smith, and I do ratify and confirm my said will in every thing except where the same is, hereby revoked and altered as aforesaid, & I furthermore hereby revoke all of any codicil, or codicils, by me made at any time intended to be attached to this will, save this present writing; Witness my signature and seal this 7th day of December 1854

Signed sealed and published
by the said Sarah Burnett
of Roanoke, as and for a
Codicil to be added to, and
considered as a part of her
last will and testament in the
presence of us, who have subscribed
our names, in her presence.
Notes - the interlineations, between 5th & 6th
lines, 7th & 8th & 9th & 10 before signed
William M. Fugue
Joseph Leonard
Jacob Leonard

Sarah Burnett (seal)

At Roanoke December Court 1854. The last will, and testament of Sarah Burnett dec^d, was this day produced in Court, together with a Codicil thereto attached, and the said will was partly proved by the oath of Jacob Leonard a subscribing witness thereto, and continued for further proof. The said Codicil was also proved by the oaths of Jacob Leonard and Joseph Leonard, subscribing witnesses thereto, and also continued for further proof as to the will. And at Roanoke January Court 1855, the said last will and testament of Sarah Burnett deceased, with a codicil thereto attached, was again produced in Court and the said will and codicil, were further proved by the oath of William M. Fugue a subscribing witness thereto, and ordered to be recorded

A Copy from the record of Court

Teste J. Johnston Clk.

Ann A. Branch

I Ann A Branch of the County of Roanoke and State of Virginia, do make public and declare this writing to be my last will, and testament hereby revoking and making void all former wills by me at any time made, and first I direct that my body be decently interred and that my funeral be conducted in a manner corresponding with my estate and situation in life, and as to such worldly estate as it has