

UNRECORDED WILLS OF SURRY COUNTY, VIRGINIA

1759-1844

By Virginia Pope Livingston
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Through the kindness and courtesy of Mr. Frank V. Emmerson, Jr., Clerk of the Court, and Mrs. Dorthy B. James, Deputy Clerk, I was recently permitted to examine and abstract the file of partly-proved and hence unrecorded wills and deeds of Surry County. Virginia courts were meticulous in requiring full proof of a will or deed, usually by three witnesses, and an instrument not fully proved was retained in the Clerk's files for subsequent proof. There may be various reasons for failure of full proof; apparently, in most cases, one or more witnesses were unavailable, either by death or by other removal from the county. Yet Virginia records are full of affidavits as to the signature of a deceased witness and of writs sent to other counties, colonies or states to obtain the testimony of a witness. No indication of such action by the Court appears in the endorsements on these wills but it is possible that examination of the Court Orders for the dates herein shown may indicate that such writs were issued. The genealogical data contained in these wills are as valid as if the wills had been fully proved and recorded. In the abstracts below, the first date is that of the will itself; endorsements as to proof follow the text of the will.

BAILEY, Anselm. 21 April 1795. To son Anselm land and plantation where I now live, it being all the land I hold in Surry County, also most of the furniture I bought of Joseph C. Cornwell ... 2 tables, 1 desk, 20 sitting chairs, corner cupboard, large looking glass, and 1 feather bed and furniture (his first choice) ... and whereas in his medical practice my said son has blended his accounts with mine, he is to select for his benefit such as are distinguished by "ABJunr" or any other mark for services performed by himself. To son Jeremiah all land on west side of road from Proctor's Bridge to Atkins' Bridge on the Mill Swamp in Isle of Wight, 220 acres, and £50, and 2/3 of the brick now remaining on the land on the southeast side of said road, 1 bed and furniture (his second choice), and one-half the sitting chairs after the legacy to Anselm. To son Samuel the remainder of my land in Isle of Wight, 230 acres on southwest side of said road, 1 bed and furniture (his third choice), the paint and oil I have

provided for the painting of his house, and the other half of the sitting chairs. After debts and legacies are paid, the residue of the estate is to be divided equally among my three sons. Executors: brothers Michael and Lemuel and my three sons. Witnesses: Benj. B. Rosser, B. W. Johnson, James C. Bailey. Will is signed. Proved 28 Oct. 1806 by one witness and continued.

BANKS, John. 3 Sept. 1780. To son Mathew plantation where I now dwell and all lands thereto belonging, a grindstone and hone, one cow and calf, and a large "puter" dish. Remainder of estate to be equally divided among all my children or their legal representatives. Executor: Jesse Judkins. Witnesses: Jesse Judkins, Richard Loyd. Proved 26 Dec. 1780 by one witness and continued.

BANKS, Lucy. 25 Sept. 1841. Widow and relict of Benjamin Banks. Estate [all personalty] to grandchildren Lucinda, Nancy Ann, George Anner [probably Georgianna, a name which was becoming popular at this period] Francis, children of Elias Francis and my daughter Parthina. To son Dawson Banks what he owes me. No executor named. Witnesses: James Wilson, Jacob (X) Bruce, John H. Thompson. Proved by Wilson 3 [?] Feb. 1845 and continued.

BISHOP, David. 23 Nov. 1828. To son Austin Bishop and daughters Meriah and Mary Bishop, each 15 shillings. To sons Thomas and David and daughter Lewisey Bishop all the balance of the estate at death of my wife. Executrix: wife Elizabeth. To Edwin W. Brockwell a young mare called his. Witnesses: Harrison Bishop, Richard Bishop, Edward W. Brockwell, Edward (X) Marks. Proved 26 April 1830 by Brockwell and continued; Augustin Bailey qualified as administrator.

BISHOP, Mary. 18 Aug. 1759. To son David Bishop what is left after debts are paid; daughter Mary to have a quiet living in the estate while single and at her marriage David to have the whole estate. Executor: David Bishop, with my son Joseph Bishop. Witnesses: Dan Ellis, Thomas Bishop, James (X) Bishop. Proved March 1760 by one witness and continued.

CAMPBELL, Archibald. [undated] To be buried by Masonic rites. Principal debts to be paid immediately: to Mr. James Fisher of Adams & Fisher of Richmond, \$65; to Ellis & Allen of Richmond, merchants, \$40; to Gilliat & Kerby of Richmond £8 or £10 on open account. Executor:

friend Travis Harris. Residue after debts are paid to sister Mary Lee Harris, but if she die without issue, to Travis Harris and his heirs. As it is uncertain whether my brother William Lee Campbell if living will return to this country, the executor is to allow him not over \$100. Witnesses: Turner Maynard, William Ruffin. Proved 26 Feb. 1805 by Ruffin and continued.

CARRELL, Elizabeth. 16 Sept. 1844. All money to Benjamin C. Drew; remainder of estate of every kind to Albina A. Holleman. Executor: brother-in-law Joseph Hart. Witnesses: Obadiah T. Watkins, James H. Pulley. Proved 22 Feb. 1847 by Pulley and continued.

DEGGE, Anthony. 23 June 1780. To son Anthony houses and orchards and all lands joining thereto, bed, bolster, "grate Bible" and dictionary. To grandson Anthony Degge son of John and Josie Degge, £20. All residue to be equally divided among all my daughters and their heirs. Executor: son Anthony Degge. Witnesses: Wm. C. Steward, Wm. Burton, Randolph King. Proved 25 May 1784 by King and continued; executor qualified.

EDWARDS, Hartwell. 1 July 1795. Land "where my mother-in-law formerly lived to be rented to pay my debts, but not to my brothers or sisters; if they do it shall be for my children the place whereon to be rented", beginning at a line between said land and John White's line ... apple orchard ... Wm. Warren's line. To wife Jemimy land and all the rest of estate for widowhood, then the land and orchard to be equally divided between "My two Eldest sons named Partrick H. Edwards and William Edwards." Residue after debts are paid to be equally divided between my two children Henry and Rebekah Edwards. Estate not to be appraised. Executor: Lemuel Bailey. Witnesses: John Judkins Jr., Jesse Judkins. Proved 22 Dec. 1801 by one witness and continued.

EDWARDS, Martha. 24 July 1812. Power of attorney of Martha Edwards, administratrix "of my dead husband Thomas Edwards of Surry" to my brother Francis Ruffin and friend Richard H. Edwards to act in administration of the estate. Witnesses: Susan Ruffin, John Faulcon. No endorsement.

GLOVER, Sarah. 15 May 1838. Left only personal estate, no land, with bequests to son Jesse G. T. Glover, son William Glover, daughter Martha L. Glover. Residue to be equally divided among Rebekah Glover, Martha L. Glover, and Jesse T. Glover. No executor named.

Witnesses: James H. Stewart, Robeson Edwards. No endorsement as to proof, but not recorded.

HARGRAVE, Benjamin. 1 Jan. 1827. To wife, not named, bed, furniture, land and plantation where I live, stock, etc., and personalty for life or widowhood, then to surviving children. Estate not before devised to be sold and proceeds equally divided among surviving children. Executor: son Ruffin Hargrave. Witnesses: Elizabeth (X) White, William Hargrave, Robert Bevan. No endorsement, but not recorded.

JOHNSTON, Rebecca. 26 Nov. 1821. To daughter Cassandra Johnston chest, wearing apparel, one pair sheets, calico bed quilt; remainder to be sold and divided equally between two children, Cassandra Johnston and Eppes Johnston. Executor: friend Howell Nicholson. Witnesses: Howell Nicholson, Foster Cooke, Lucretia Ellis. Proved by Cooke [no date] and continued.

KING, William. 31 July 1812. Having enlisted as a regular soldier under Capt. Samuel Archer of Norfolk ... To brother Benjamin King all land I may have a right to in consequence of my "inlistment"; to sisters Betsy and Polly King all residue. Executor: brother Benjamin King. Witnesses: John Warren Junr., Benja. Cocks, Dila Savidge. 1 Oct. 1816, the Superior Court of Law of Surry issued an order to obtain proof.

MACINTOSH, Martha. 5 Jan. 1818. To three daughters, Susanna Price, Martha Scammell, Sally Goffigan, all wearing apparel. All household and kitchen furniture to be sold and proceeds to be divided into three parts. One part is to be retained by the executor and paid to grandson William H. M. Blunt, son of my deceased daughter Nancy, but if he die before he attains age of 21, 6 Oct. 1828, his part to my three daughters or their surviving children. The other two-thirds to be divided into three parts, one for daughter Susanna, one for daughter Martha, and the remaining third part of the last-directed division into two equal sums, one half to daughter Sally Goffigan and the other to my grandson Robert Harwood, son of said Sally. Executor: friend John Faulcon of Surry. Witness: John Scammell. Presented in Court 24 Oct. 1825 by John Faulcon, and a subpoena issued to the witness returnable at November Court 1825.

RUFFIN, William. Inventory and appraisal returned 23 March 1802. [Not recorded]

SMITH, Peter. 18 Feb. 1804. To wife Hannah one half the tract where I now reside, it being 40 acres agreeable to the patern [sic] given to Elizabeth Wesson. To sons Archibald and Thomas, each one quarter of the above land. If my wife keep her land until my two grandsons come of age, it shall descend to them. No executor named. Witnesses: David Cooke, Waller (X) Warthen. Proved by Cooke 24 Oct. 1814 and continued.

TUCKER, Robert, of Southwark Parish. 17 Dec. 1769. To wife [not named] whole estate for widowhood except three feather beds hereafter mentioned. If she marry, whole personal estate to be equally divided among my three daughters, Mary Tucker, Hannah Tucker and Salley Tucker if they so agree; if not, estate to be sold and the money divided. To Mary a horse and bed; to Hannah a bed at her freedom or marriage; to Sally a bed at freedom or marriage. Land to be sold at death of my wife, and 40 shillings of the proceeds to be used for the schooling of my grandchild Lucy Barker, and the residue to be equally divided among my four children, Mary Tucker, Elizabeth Barker, Hannah Tucker, Salley Tucker. Executors: wife and son-in-law Leamuel Barker. Witnesses: Dan Ellis, Thos. Jones. Proved April 1770 by one witness and continued.

WARREN, Willis D. 15 Feb. 1825. All estate to wife, Polly K. Warren, for life or widowhood; at her death or marriage, to her daughter Katharine D. Edwards an equal proportion of my estate with my children, to wit, Polly Edwards, Martha Ridley, Elizabeth Willis Warren. Executor: friend Edwin White. Witnesses: Drewry P. Warren, Dawson Warren, Patsy Warren. Proved 26 March 1827 by Patsy Warren and continued. [Drewry P. Warren had died 1826]

WATKINS, Martha S. B. 7 Feb. 1834. [This will is very badly written, with many misspellings, and in part is not legible.] Household items, listed, to Mrs. Dorothy Blasingham [sic] for life and at her death to Guly Elmore Mary Anto[]ley Connie Blasingham [sic] and her heirs forever. No executor named. Witnesses: Nancey (X) Collier, Mary Eliz. Bage. Proved 24 Aug. 1835 by one witness and continued for full proof; administration with the will annexed granted to Dorothy Blasingham [sic].