

The testator in his last will & testament in the presence
of us who were present at the time of signing and
dictating thereof

Nathan ^{by} Brown ^{head}
mark

I M. Linville
Aaron Linville

September Term 1858

The execution of the last will & testament
of Nathan ^{Brown} deceased (of which the foregoing is a
true copy) was duly proved in open Court by the oaths
of Daniel M. Linville & Aaron Linville the subscribing
witnesses thereto & ordered to be recorded

M. H. Hill ex.
By Jas. H. Pinson J. C.

I Jacob Clark, of the county of Patrick and State of Virginia
being of sound mind, memory and understanding, do make
and publish this my last will and testament.

and first; I direct all my just debts be paid, and as
to such estate as it hath pleased God to entrust me with, I
dispose of the same as follows viz:

Item; The tract of land on which I now live, being the
land I purchased from Maj: Clark Penn and Greensville
Penn: Uler about one hundred acres, I purchased from
George Hainston, called the "M'Gunder land" and adjoining
the above, in all consisting of about seven hundred and
seventy seven acres: together with two hundred and fifty
acres, to be cut off from a tract adjoining the above, and
known as the "Samuel place" by a line running from
North to South, to be laid off in such a way as to give shape
to this body of land. I devise to my beloved wife, Jane Clark
and to my two youngest sons, William H. Clark and Hugh
D. Clark, to be held by them jointly during the life of my wife
and after her death to be equally divided between my two
sons, William H. Clark, and Hugh D. Clark, to hold the
same in fee simple. This devise to my wife is intended
to be in lieu of dower.

Item my will is that the remainder of the above named
"Samuel place" consisting of about seventeen hundred acres
after cutting off the two hundred and fifty acres above
specified be equally divided as to value, into three equal
parts, and I then devise to my son Jacob S. Clark the
upper part, to include his present residence, and the
mills he is now building on Kippells Creek, Jacob is
not to be charged with the value of his improvements, but
the division is to be made as if there were no improvements
on the premises. The other two parcels, after they are
laid off as above, together with the tract of land I bought
of Beane Smith, widow of John Smith, consisting of
about four hundred acres, are to compose three lots to be
drawn for by my three sons James H. Clark, Joseph H.
Clark, and Thomas J. Clark, and the one to whom the
Smith tract may fall, is to hold the same at the estimated
value of four thousand and three hundred dollars.

Item The tract of land I own in Stokes County
North Carolina, on which my son George H. Clark
now lives, consisting of about six hundred acres, I
devise to my son in law, John H. Clark, to be held

335 by him in trust for the benefit of the children of the said George W. Clark, both, now living and such as may be hereafter born to him, the same to be free from all debts and charges of the said George W. Clark. The said last mentioned tract to be estimated at three thousand and three hundred dollars.

Item, I bequeath and devise to my daughter Ruth E. Surney, a tract of land, near Elamsville, which I purchased of Lewis Sedigo, containing about one hundred and fifty acres, and also two lots containing about eighteen acres, which were formerly in the possession of Jerry Suggs and George W. Clark to her and her heirs. The above lots and tract to be rated at fifteen hundred dollars.

Item, My will is that my wife have choice of one dozen out of all my slaves except certain bequests in behalf my daughters, Sarah E. Hubbard, Serena S. Moir, and Ruth E. Surney, and my son Jacob S. Clark herein after named, to hold during her natural life and after her death, they and their increase to be equally divided among my children, except as to my son George W. Clark, whose share is to be held for the benefit of his children in the same manner as other bequests herein after named, and to be held for their benefit.

Item, I devise to my daughter Serena S. Moir a tract of land in Stokes County, North Carolina, containing four hundred and seventeen acres, which I purchased from James C. Moir. The said tract to be estimated at three thousand one hundred and eighty dollars.

Item, I give and bequeath to my daughter Sarah E. Hubbard, and her heirs, a negro woman Abigail, and her three children, and all her future increase, to be estimated at two thousand dollars.

Item, My will is that my executors shall allow my wife such portions of my farming utensils, horse hold and kitchen furniture, also such portion of hogs, cattle and grain, and other perishable property as may be on my premises at my death as will be amply sufficient for her to carry on her farm, and supply her wants, and as to her discretion, to hold the same for her life.

Item, My will is, that as my daughter Sarah E. Hubbard

336 has received a share, and none of my other daughters have had any, that she is to be charged four hundred and fifty dollars out of her share in my estate as a residuary legatee.

Item, My will is that each of my children be furnished with a good one hundred dollar horse, and also two good cows & calves apiece, or the value thereof, as they may choose, and such of them as have heretofore received such property, or any portion thereof, are to be charged with the value or values thereof respectively at the time of receiving the same.

Item, I will that my executors allow my son Joseph M. Clark, four hundred dollars for him to attend the medical lectures one more session. My son Thomas J. Clark one hundred and fifty dollars, to go to school one year more; and also to my son William H. Clark, a sum not exceeding five hundred dollars; and to my son Hugh S. Clark, a sum not exceeding seven hundred dollars, for the purpose of sending them to school, and that my executors pay to the Guardians of my two youngest sons these respective sums to be expended in the way above named. But if they are unwilling to expend so much in the way of education, they are to be allowed the same any way, over their respective shares out of my estate as residuary legatees. But my desire is that they be taught good English Education.

Item, My will is that any other property that any of my children have received by way of advancements be estimated at a reasonable price, and charged to the parties who have received it.

Item, I will to my Brother Jonathan Clark the sum of one hundred dollars.

Item, My will is that all my slaves, except the specified bequests herein before made, whether in my possession or with my children, & except a girl named Mira and a girl named Viner now in possession of my son in law Joshua Hubbard, and except a boy named Sam and a girl named Rebecca & her children, now in possession of my son Jacob S. Clark, and except one in possession of my son in law Robert S. Moir, named Betty, and also one named Peter in the possession of my son in law William Ferry which they may retain respectively if they choose, at a fair valuation, to be made by commissioners, be divided into ten lots of equal value or so near as may be by impartial commissioners, and that they be drawn for by lots by my children, except that the share which would belong to my son

327 George W Clark is to be held by Robert H Moir as trustee for the children of the said George W Clark, in the same manner as other bequests herein specified. To them, my other children are to hold the lots drawn by them, in fee simple.

In addition to the above I bequest to my daughter Sarah E Hubbard, a negro man by the name of Absalom, to be valued at a fair price at which price she may retain him and be charged for the same out of her share in my estate, but if she would prefer the said negro can be allotted as my other slaves.

Item, all the bequests herein made for the benefit of the children of my son George W Clark, are intended to be for their benefit as also for the benefit of any future increase he may have and are to be entirely free from all debts & charges of the said George W Clark, and I hereby appoint my son in law Robert H Moir as trustee to hold and protect said property for said children until they respectively arrive at the age of twenty one years.

Item, I give and bequest to my wife the sum of five thousand dollars for her lifetime, and after her death, over to my children.

Item, My will is that such devises of real estate and bequests of personal property herein before made, upon which no valuation has been made by me, shall be valued by disinterested commissioners, and that those of my children to whom such devises & bequests have been made or to whom they may fall by lot as herein provided, shall be charged with the valuation as so made, and that there shall be such a final distribution of the residue of my estate of whatever character soever it may be, among all my children as will make their shares, on the whole, equal, with the exceptions herein before made, and with the further exception that the sum of two thousand and five hundred dollars be deducted from the share to be paid to Robert H Moir for the benefit of George W Clarks children, who is to hold the same in the same manner, and for the same purposes as herein before specified.

Item, I appoint my sons Joseph M. Clark, Thomas J Clark, and my son-in-law Robert H Moir, and Joshua Hubbard and William Henry as the executors of this my last will and testament and they or such of them as may qualify, are not to charge over two and a half per centum commissions upon such estate as may come into their hands as such

executors, I also appoint my son Joseph M Clark and Joshua Hubbard as Guardians for my two sons William H Clark and Hugh B. Clark.

In testimony whereof I have hereunto set my hand and affixed my seal this 21st day of June 1858
Jacob Clark

Sealed and published by the said Jacob Clark as his last will and testament in the presence of us and of each other and we have at his request subscribed our names as witnesses thereto

Wm Falkner
James M Hughes
Jos S. Pedigo
A Dooley
A M Lybrook

Patrick County Court July Term 1858

The last will and testament of Jacob Clark, deceased, was exhibited in said Court, proven by the oaths of William Falkner and Alfred Dooley subscribing witness thereto, and ordered to be recorded.

A copy - Teste

J. G. Rucker D.C.

Virginia

In the Clerk's office of Patrick County Court.

J. Rucker, Deputy for Henry Tuggle, clerk of the County Court of Patrick County, in the State of Virginia, do hereby certify that the foregoing is a true and exact copy of the last will and testament of Jacob Clark, deceased, and the order admitting the same to probate now on record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said Court at office in Taylorsville, on the 20th day of November in the year of Christ 1858, in the 63rd year of the commonwealth.

J. Rucker Deputy Clerk
of the County Court of Patrick County