

WILL OF JOHN COUNTS

Russell County, Virginia

Will Book 5, Pages 425 - 426

Executed 03 Oct 1843

I John Counts Senr. of Russell County and State of Virginia do hereby make my last Will and testament in manner and form following, that is to say:

1st. I desire that all the perishable part of my estate be immediately sold aftr my decease, and out of the monies arising therefrom, all my just debts and funeral expenses be paid.

2ndly - After the payment of my debt and funeral expenses, I give to my wife Margaret Counts one third part of my estate both real and personal for and during the term of her natural life, and after her decease I give the same to my children herein after mentioned equally to be divided amongst them and to be enjoyed by them forever.

3rdly I give to my daughter Sarah Smith the wife of James Smith my black woman named Sarah.

4thly I give to my son Joseph Counts my black boy named Daniel.

5thly I give to my son John Counts my black man Lewis.

6thly I give to my son James Counts the black girl called Armina.

7thly I give to my daughter Christena Colley wife of Richard Colley the black girl called Chrissey.

8th I give to my daughter Margaret her proportionable part of my estate with my other children, to be paid to her in money.

9thly I give to my daughter Elizabeth the black girl called Milly.

10thly I give to my son Joshua Counts all that art of my land lying on the south side of Clinch River.

11thly I give to my daughter Nancy Jessee the wife of Jefferson Jessee my black man named Peter.

12thly I give to my son Ezekiel Counts all that part of my land lying on the north side of Clinch River.

13th I desire that all the foregoing bequests be valued by two good honest disinterested men, and that every one who according to that valuation has more than his or her proportionable part, shall so pay back as to make their portions equally all round.

14th All the rest of my estate both real and personal of what nature or kind soever it may be not herein before particularly disposed of I desire may be equally among my several children herein before named, which I give to them their heirs executors, administrators and assigns forever.

And lastly I do hereby constitute and appoint my friends Archer Jessee Senr. and James P. Carrell, Executors of this my last Will & Testament, hereby revoking all other or former Wills or Testaments by me heretofore made. In witness whereof I have hereunto set my hand and affixed my seal this twenty-seventh day of May in the year of our Lord one thousand eight hundred and thirty five.

his
John X Counts Senr. (Seal)
mark

Signed, seal, published and declared by John Counts Senr. as and for his last Will and Testament in the presence and hearing of us who at his request and in his presence have subscribed our names as witnesses

Fleming Burk
Harvey Gray

Virginia: At a Court held for Russell County at the Courthouse on the 3d day of October 1843, This instrument of writing was exhibited in Court as and for the last Will and Testament of John Counts deceased, and proven by the oath of Fleming Burk one of the subscribing witnesses thereto:

And at a Court held for said County on the 5th day of December 1843, This instrument of writing was again exhibited in Court as and for the last Will and Testament of John Counts Senr. deceased, and proven by the oath of Harvey Gray another of the subscribing witnesses thereto, and ordered to be recorded: And the executors therein named refusing to take upon themselves the berthen of the execution thereof; on the motion of George L. Jessee and John Counts jr. who made oath and together with Jefferson Jessee and George Smith their securities entered into and acknowledged a bond in the penalty of \$10,000, conditioned as the law directs, certificate is granted them for obtaining letters of administration on the said decedents estate with his will annexed in due form.

Teste,
James P. Carrell, C.R.C.