

Will of Thomas Wythe (3), father of George Wythe
Elizabeth City County Deeds & Wills 1704-1730, page 188
(Microfilm Reel 5)

In the Name of God Amen. I Thomas Wythe being Sick & weak but of sound & perfect mind & memory do make & ordain this my last will & testament. Imp's¹ I give to my Loving Wife one half of the plantation where I now dwell during her natural Life.

Item I give to my said Loving wife Seven Negroes viz't² Tom Mercury Peter Sampson Phillis Jinny & Jack during her natural life & after her death the said negroes with their increase to be equally divided among my Surviving Children.

Item I give the remaining part of my Negroes except those hired out to Rob't Ballard of York to be equally divided between my children Tho's Wythe George Wythe & Ann Wythe. The division not to be made 'til one of my children be married or arrive to the age of Eighteen Years. My will is that the said Negroes be not appraised but that the said Negroes themselves with their increase be equally divided as above. Having leas'd certain Negroes to Rob't Ballard for Nine Years from the date of the said lease I give after the expiration of the said lease to my Nephew Matthew Ballard (provided a Debt due to Col. Diggs & one other Debt to Major Lightfoot being first satisfied out of the rents) all these Negroes so leased & their increase & to the Heires of his body & for want of such Heires then to be equally divided between my children. I appoint my Loving Brother James Wallace to receive yearly the rent of the said Negroes & to apply the same for discharging the Debts afores'd & after these Debts are satisfied I give the rent to my Lov'g Mother Ann Wallace to the end of the said lease. I give to my Lov. Wife the chaise³ & one of my horses.

Item I give the residue of my personal Estate after Debts paid to be equally divided between my wife and children.

Item I give to my Loving Brother James Wallace & his Heires the half Lot in Hampton joining to his Lots.

→ Item I give to my son Tho's Wythe the plantation I live on with all my Land & Tenements adjoining to enjoy the same when he comes to the age of Eighteen Years not disturbing his Mother in the possession of the one half before given her during her natural Life to him & the Male Heires of his body and for want of such Heires then to my Son George Wythe & to the Male Heires of his body and for want of such Heires then to the Female Heires of my son Thomas & for want of such Heires to the Female heires of my son George & for want of such Heires then I give the said Lands to my Daughter Ann Wythe & to the heires of her body & for want of such Heires of my children I give the said Lands to my Lov. Brother James Wallace and his heires he paying to my Nephew Matthew Ballard or the heires of his body one Hundred Pounds Current Money.

I appoint my Loving Brother James Wallace & my Lov'g wife Marg't Wythe Exec'rs to this my last will. In witness whereof I have set my hand & Seale this 3'd day of Nov 1727⁴

John Tabb
Sarah Walker

His
Ab A George
Mark

Tho. Wythe (Seal)

The last will & testament of Tho's Wythe dec'd was proved by the Oathe of Marg't Wythe & James Wallace Ex'rs. The same being also proved by the oathe of Sarah Walker & John Tabb two of the witnesses. Thereby it is admitted to record & certificate is granted to the ex'rs for obtaining a probate thereof in due form.

Tho's Wingham Cl

(At a Court held for Eliz. City County the 15th Oct'r 1729)

Note:

Underlined words and letters are dubious. The will in the old Elizabeth City Co. records is in excellent condition. However, the clerk's handwriting is difficult to read.

- Foot- (1 - Imprimis, meaning in the first place.
notes (2 - Videlicet, meaning namely. Now written viz.
(3 - On the microfilm, this word looks like "chaire",
(but seems to be "chaise" on the courthouse restored
(copy.
(4 - The date year of the will is quite difficult to read.
(Mrs. Chapman, in her abstracts of the Eliz. City Co.
(records, calls it 1728.