

## **Joseph McIntire's Last Will and Testament**

Virginia, Tyler County, to wit, I Joseph McIntire of the County of Tyler and State of Virginia, being of sound mind and proper discretion, do hereby make my last will and testament, hereby revoking all others in manner and form as follows. First, I desire that all my just debts and funeral expenses shall be paid out of my personal property and the remainder, if any, shall go to my wife, Mary McIntire, during her life, and at her death to dispose of as she may think best. Second, I do hereby give to my son James McIntire, one hundred acres of land to include the house and improvements as they now stand.

Third, I do hereby give to my wife Mary McIntire, one hundred acres of land to be laid off on the South East of the hundred acres given to my son James McIntire in lieu of dower.

Fourth, I do hereby give to my daughter Caroline McIntire one hundred acres of land to be laid off on the South East of the hundred acres given to my wife Mary McIntire.

Fifth, I do hereby give to my sons Franklin McIntire, Jacob McIntire, Joab McIntire, George McIntire, Luke McIntire, and Henderson McIntire all the balance of my land except that which I have above disposed of to be divided equally amongst them and if my sons cannot agree amongst themselves in the division of the land then each one of them shall choose a man being a freeholder whose duty it shall be to divide the land equal amongst my sons as above named, according to quantity and quality.

Sixthly, I do desire and decree that my sons Franklin McIntire, Jacob McIntire, Joab McIntire, George McIntire, Luke McIntire, and Henderson McIntire shall pay unto my daughters Melinda McIntire, Elizabeth McIntire, and Amelia McIntire Seventy five Dollars apiece, (and to be paid no trade), each one of my sons as above named to bear their equal proportions of the Seventy five Dollars which is to be paid to the daughters as above described, which said sums are to be paid as follows all of my sons that are now of age shall pay their respective shares to my daughters within five years from this date and my sons that are now under age shall pay their respective shares within five years after they become of age. I do hereby appoint my son James McIntire Executor of this my Last Will and Testament given under my hand and seal this tenth day of April 1845.

Joseph McIntire

[signed by "his mark"]

Signed sealed and delivered in the presence of us

Dixon Underwood

Peter Moore

Wm. G. Williams

Jno. W. Horner

Tyler County Court April Term 1845; this will of Joseph McIntire deceased was presented in Court and proved by the oaths of Peter Moore and John W. Horner witnesses to the same and was ordered to be recorded.

Lester D. Hickman, Clerk

Contributed by Deanna.