

Thomas [3] Rucker, son of Thomas [2], Peter [1]

Will of Thomas Rucker, dated 23 Jun 1803, prob. 28 Mar 1805 (W. B. 2, p.29, Madison Co., VA):

In the name of God Amen I Thomas Rucker of the County of Madison and State of Virginia, being of sound mind and memory thanks be to Almighty God for the same and calling to mind the precariousness of this transitory life and the certainty of death do make and constitute order and declare this to be my last Will and testament and first I give my soul to Almighty God who gave it [to] me and my body to the earth to be decently buried and whereas it hath pleased Almighty God to bless me with this world's wealth, I give and dispose of the same in manner and form following.

Item *I lend to my dear loving wife **Elizabeth Rucker** all my estate both real and personal during her natural life or widowhood but if in case she should marry my will is that all my estate both real and personal shall be divided as hereafter directed, that is, first my lands both in Madison and Orange shall at the death or marriage of my dear wife Elizabeth Rucker be divided and laid off in as many lots as I have children hereafter named except my son **Wisdom Rucker**. I cut him off with one dollar and he is not to inherit no more of my estate than the named six shillings and he the above named Wisdom Rucker stands at this time indebted to me in the sum of forty-five pounds, but it is to be understood that all the children that my son Wisdom has or shall have by his present wife by name Rozanna Rucker, they shall and I do by these presents give unto them to be equally divided among them all the part of my estate that I intended for their father Wisdom Rucker, which said estate is to be in the hands of my executors and as my son Wisdom Rucker's children come to age they May and shall draw it out of the hands of my executors hereafter named, and apply it to the uses they see cause and as I intend the said wisdom Rucker's children shall have a lot in land as I intended for their father, my executors hereafter named May and shall and is by these presents fully authorized and empowered to sell the said lot of land and after public notice sell to the best advantage they can and make a good and lawful right to the same in behalf of my son Wisdom Rucker's children.*

Item *So that each lot shall have as equal number of acres as the other as near as it can be laid off and these lots to be valued by three respectable free holders and each lot to be numbered and the value of every lot to be set on each ticket with its number and all the tickets thrown in a hat or box and they shall draw for the lots beginning at my eldest child and so on to the youngest except my son Wisdom Rucker, his children as above named shall received his part in every instance in my estate as above directed and a by-stander shall draw for them and if either of them refuse to draw or can't attend the division a by-stander shall draw for them and it shall be lawful and good and he or she or my son Wisdom's children gets a lot of more value than the other shall pay up to the other in proportion so that every lot May be of equal value to the owner. But let it be remembered that if any of my children, they or their husbands, bargain and sell the above named lots of land or their supposed rights it is my will and desire that he or she, be it which it May, they shall and are by these presents cut entirely off from having any share or lot in the above named land and their part shall return to those who do not sell, the intent and meaning of the above disinheritance is that if they sell before a general division, after a general division they are at liberty to do as they please.*

***Item** My will and desire is that the rest of my estate namely my negroes, my stock of every kind that with my household furniture and every thing else belonging to the said estate too tedious here to mention shall be sold to the highest bidder for ready money and that my **grand son Mourning Rucker** is to have a good horse saddle and bridle or twenty pounds cash which he chooses, but if he dies without heir it shall return and be equally divided among all my children.*

***Item** If either of my children namely Sarah Rucker or Ezekiel Rucker should be single at my death they shall receive thirty pounds apiece before a division takes place as a free gift.*

***Item** My will and desire is that after the death or marriage of my dear wife Elizabeth Rucker that my estate be sold as above directed and the money arising from the sale after paying all my just debts and the legacies above named be equally divided among my children, namely: **Mary Herndon, Sarah Rucker, Ann Herndon, Wisdom Rucker's children as above directed, Tabitha Loyd, Catey Burruss, John Rucker, Ezza Anderson, Ezekiel Rucker, Elizabeth Phillips, and Frances Rowzie.** But if either of them should die without heir their part of my estate shall return and be equally divided among the rest of my children according as before directed.*

***Item** My will and desire is that all the expenses which arises at the said sale shall be paid off before the division takes place.*

***Item** Some of my children have already received property of me namely Mary Herndon one negro girl Dafney valued at fifty pounds, Ann Herndon one negro boy Willis valued to fifty pounds, Tabitha Loyd one negro boy Jeremiah forty two pounds, Ezza Anderson one negro girl named Hannah at fifty pounds, Elizabeth Phillips one negro girl Grace forty-two pounds, John Rucker has received in cash of me forty seven pounds two shillings and six pence, Catey Burruss one negro girl Lucy forty pounds, Ezekiel Rucker has received of me in cash forty two pounds which said valuation in money is to be deducted from his part but they are not to pay interest for the above property nor money.*

***Item** Lastly I appoint my dear and loving wife Elizabeth Rucker executrix with my son John Rucker and Ezekiel Rucker executors of this my last Will and Testament revoking all others heretofore made by me and this to be taken for my last as witness my hand and seal this twenty-third day of June anno domini one thousand eight hundred and three.*

Sealed & published

His

In the presense [sic] of

Thomas (X) Rucker

George Anderson

Mark

Leroy Canaday

I. Barnett

1803 November 7 this day Frances Rowzie received one negro girl by the name of Caty and £63.10 of my estate to be considered as the rest of my children in the fore of my Will.

Proved 28 Mar 1805 by oaths of George Anderson and Leroy Canaday. Executors: John Rucker, Ezekiel Rucker, May Burton, George Anderson, 23 May 1805 (W. B. 2, p.43, Madison Co., VA).

Note: there were misspellings in the Will, but noticing that Thomas Rucker made his mark, they weren't his misspellings, so I have corrected them. For instance, Item was spelled Itom, executrix was spelled excetricks; and Elizabeth was spelled Elisabeth.

10 May 1805, £1059.17.3 was received from the sale of the personal estate, tobacco and wheat. Money advanced to ten Legatees: William Herndon, Edward Herndon, Jr., Robert Lloyd, Jacob Anderson, Zach Philips, John Rucker, Samuel Burruss, Ezekiel Rucker, Winslow Rowzie, Wisdom Rucker.

Division of Estate, Oct 1805, Personal estate and lands of Thomas Rucker divided into eleven equal parts allotted to each legatee. One lot to the children of Wisdom Rucker. Survey plat by James Clark, surveyor. Witness: May Burton, Abner Porter, George Bradley.

14 Nov 1805, among others are:

To May Burton per acct., £7.13.6.

To John Walker Lawyer fees, £3.

To Leroy Canaday surveyor fees £2.8.

To Mourning Rucker £3, Geo. Anderson £3, chain carriers, £6.

To Mourning Rucker Legacy per will, £20

To Ezekiel Rucker Extra Legacy per will, £30.

To Sarah Rucker Extra Legacy per will, £30.

To Elizabeth Rucker, her share of tobacco & wheat £9.18.5.

To Elizabeth Rucker, amount from sale of negroes £91.10.10.

To James Clark Surveyor £3.6

Inventory Negroes of Thomas Rucker (W. B. 2, p.60, Madison Co., VA):

1 negro man	James	£100
1 ditto	Jack	£100
1 ditto	Lewis	£110
1 ditto	Cevoy	£ 20
1 ditto	Mary	£ 80
1 ditto	Cate	£ 80
1 ditto	Winney	£ 72.10
1 ditto	Robert	£ 60
1 ditto	Savoney	£ 45
1 ditto	Dilcey	£ 55
1 ditto	Silvey	£ 30
1 ditto	Esther	<u>£ 20</u>
		£772.10

The following is taken from the division of Thomas Rucker's estate and was Elizabeth Rucker's dower, two tracts, 28 Mar 1805 (W. B. 2, p.58, Madison Co., VA):

1. Estimated 43 acres in the County of Orange: "... on the East side of the big run, opposite Eve's Mill House Corner to said Mill Tract . . . to the South bank of the Rapid Anne River comes to said Mill tract, thence down the several courses of the said River . . . thence to the beginning."

2. Estimated 163 acres in the County of Madison: "... on the East side of branch comes to the widow Ahart's [sic] tract . . . to the Rapid Anne River at the mouth of the said branch comes to said Aharts [sic], thence up the several courses of the said River . . . to a white oak on the N. bank of the said River comes to George Anderson . . . in the fork of the road, leading to Aharts [sic] old ford and to Ruckers ford, comes to said Anderson and Ezekiel Rucker, thence down the several courses of the said road leading to Aharts [sic] old ford . . . on north side of road comes to James Collins and in the widow Aharts [sic] line, from thence to the Beginning."

Also Jack, Robert, Caty and her child Esther for widow's dower in the slaves amounting to two pounds 10 shillings more than her dower. Witnesses: May Burton, Belfield Cave, Joseph Brock, Jr., John Bradford. Statement of division of estate, 7 Jun 1805.

Division of the lands of Thomas Rucker, deceased, into eleven equal parts and have allotted [sic] each legatee one lot and to the children of Wisdom Rucker, one other lot . . more fully appear by reference to a plat thereof made by Mr. James Clarke, Surveyor . . . we have attended to the distribution of the personal estate . . . we also proceeded to examine and settle the executor's account . . . May Burton, Abner Porter, George Bradley.

The estate of Thomas Rucker, deceased, in account with John and Ezekiel Rucker, executors . . . to eleven distributees [sic], vizt. Wm. Herndon, Edwd Herndon, Jr., Robert Lloyd, Jacob Anderson, Zach. Phillips, John Rucker, Saml. Burrus, Ezekiel Rucker, Sarah Rucker, Winslow Rowzee and Wisdom Rucker's children . . . each £115.12 . . . money from sale of personal estate divided the same . . . statement of account returned into court 23 Jun 1808 and ordered to be recorded . . . court allowed two and one half per cent on £1012.7.11 (W. B. 2, p.173-174, Madison Co., VA).

The land was left to Elizabeth, widow of Thomas Rucker, and at her death was subdivided among her children, 28 Aug 1828. (W. B. 5, p.201, Madison, and contains a plat of the land showing the divisions. Part of the land was across the Rapidan river in Orange Co. Chain Carriers: Michael Eheart and James Herndon. It was divided into 9 parts of 18 2/3 in Madison and 21 acres in two parcels in Orange. Total of 11^[1] parcels.)

^[1] One child, James, had died young and without heirs.