

Will, DE, Sussex, MARK DAVIS 1799

In the name of God Amen.

I, **MARK DAVIS**, of Cedar Creek hundred and County of Sussex and state of Delaware being very weak and low of body but of sound and disposing mind and memory calling to mind the mortality of the body that it is appointed for all men once to die do, after all my just debts and funeral charges are paid, distribute that portion of worldly estate which divine goodness hath pleased to bless me and manner and form following, viz.

IMPRIMIS I give and bequeath unto my well beloved wife, **SARAH DAVIS**, one negro man named SAM and his wife named SEBY, each to serve 7 years from this date, and one negro girl named NELLY, and she to serve during his indenture, and my riding horse and carriage.

I also give to my said wife the full thirds of my home Plantation during her widowhood likewise my will is that no division to be made in the above said Plantation until three years after my decease, she to enjoy the whole of the plantation during said time.

My will further is that my sons **MANLOVE DAVIS** and **ROBERT DAVIS** must pay to their mother during her natural life each the sum of four pounds lawful money of the state per annum or annually and if in case my said wife should marry, then and in that case my will is that my sons **MARK DAVIS**, **HENRY DAVIS** and **THOMAS DAVIS** shall pay to their mother annually each of them the sum of four pounds specie, which she is to take in lieu of her thirds but in case she claims her thirds of said lands and refuses to take the money in lieu thereof from my said sons, then in that case my will is that the above bequeathment to my said beloved wife shall be void and given up.

I also give and bequeath to my beloved wife all the provisions laid in for the year and clothing for the same year, to wit, wood, flax, yarn, cloth, linen with all ??? wearing apparel to be used by her for herself and family that is with her and also the bat bed and furniture.

ITEM I give and bequeath to my son **MANLOVE DAVIS** the plantation where on he now lives with all the appurtenances thereunto belonging and the and the marsh adjoining there to with the marsh bought of **JOSEPH HASLET** and wife to him and his heirs lawfully begotten of his body, but if it should so happen that he should die without lawful issue then in that case my will is the said land and marsh shall be and descend to my son **NEHEMIAH DAVIS** to him and his heirs lawfully begotten forever.

ITEM I give and to my son **ROBERT DAVIS** all my lands and marsh in Cedar Creek neck in him and his heirs lawfully begotten forever, but in case you should die without heir as abovesaid then I give the said land and marsh to my son **NEHEMIAH DAVIS** to him and his heirs lawfully begotten of his body forever.

Will, DE, Sussex, MARK DAVIS 1799

ITEM I give and bequeath to my son **HENRY DAVIS** one hundred and fifty acres of land adjoining **CHARLES DRAPER**'s land the building not be included but if it should so happen that a square line will include the buildings than my will is that an offset shall be taken so as to leave the buildings out of said land and run wide of the buildings thirteen perches then continued on the same course as at first until it intersects the run of Slaughter branch and also the burying ground, or half acre, is reserved to be used freely by all my family for a burying ground, only to him and his heirs lawfully begotten of his body forever but in case my sedge son should die without heirs as above said then I give the said lands to my son **NEHEMIAH DAVIS** to him and his heirs lawfully begotten of his body forever.

ITEM I give and bequeath to my son **THOMAS DAVIS** one hundred and forty acres of land adjoining his brother **HENRY**'s land to him and his heirs lawfully begotten of his body forever, but in case my said Son **THOMAS** should die without lawful issue as above said than my will is that the said lands shall belong to my son **NEHEMIAH DAVIS** to him and his heirs lawfully begotten of his body forever.

ITEM I give and bequeath to my son **MARK DAVIS** one hundred and seventy one  $\frac{1}{4}$  acres of land being the remainder of my said tract of land to him and his heirs lawfully begotten of his body forever but in case he should die without waffle issue as above said than I give the said one hundred and seventy one  $\frac{1}{4}$  acre of land to my son **NEHEMIAH DAVIS** to him and his heirs lawfully of his body forever.

ITEM I give to my son **MARK DAVIS**, **HENRY DAVIS**, and **THOMAS DAVIS** one hundred and ten acres of marsh lying and being in Prime Hook marsh to be equally divided between my said three sons, share and share alike, to them and their heirs lawfully begotten of their bodies forever with twenty acres of marsh I bought of **ROBERT WATTSON** but if any of my said son should die without lawful issue as above said then I give said share or shares or dividends to my son **NEHEMIAH DAVIS** to him, his heirs lawfully begotten of his body forever.

ITEM I give and bequeath to my son **JOHN DAVIS** my house and lot in the village of Milford adjoining **ABNER BILLS** to him and his heirs lawfully begotten of his body forever, but if he should die without lawful issue, as above said, I give the said house and lot to my son **NEHEMIAH DAVIS** to him and his heirs lawfully begotten of his body forever.

ITEM I give and bequeath to my son **NEHEMIAH DAVIS** one negro lad named BILL and two hundred and fifty pounds in cash to him and his heirs and assigns forever but in case it shall so happen that my son **NEHEMIAH DAVIS** should die any of his brothers shares as said forth by this will then and in that case the  $\frac{1}{2}$  of the two hundred and fifty pounds and the appraised value of BILL,  $\frac{1}{2}$  to go to be equally divided between all my children and their legal representatives.

ITEM I give and bequeath to my daughter **MARY MANLOVE** one hundred and twenty five pounds, over and above what I have heretofore given to her, her heirs and assigns forever, but in case she should die without any other issue then and in that case her daughter Sally Watson Watson to enjoy half of the one hundred and twenty five pounds above said to her and her heirs and a signs forever.

ITEM I give and bequeath to my daughter **SARAH DAVIS** one negro girl named SOPHIA and one negro boy named IZER, also one hundred and sixty poundss in cash to her and her a signs forever.

Will, DE, Sussex, MARK DAVIS 1799

ITEM I give and bequeath unto my grand daughter **SARAH HINES** one negro boy named DANIEL, which is now in the possession of her father, and also fifteen pounds in cash to her her heirs and assigns forever, but if she should die without issue or marrying I give the said negro DANIEL and fifteen pounds to her sister **MARY HINES** to her and her heirs and assigns forever.

ITEM I give and bequeath to my granddaughter **MARY HINES** one negro girl name CAZIAH and fifteen pounds in cash to her, her heirs a death signs forever, but in the case she should die without lawful issue or marrying I give the above named CAZIAH and fifteen pounds to her sister **MARY HINES** to her, her heirs and a signs forever.

ITEM I give and bequeath unto my granddaughter **ANN THORNTON** ten pounds in cash to her and her heirs and assigns forever.

ITEM I give and bequeath to my grand daughter **ELIZABETH DAVIS** ten pounds in cash to be paid to my said granddaughter if she lives to arrive at the age of 18 years or marries if not to remain in my executors hands, but if she does either to her heirs or assigns forever.

ITEM I give and bequeath to my son **JOHN DAVIS** one negro girl now in his possession HANNAH and also twenty pounds in cash over and above what I have here by heretofore given and sent him, his heirs into a signs forever.

ITEM I give and bequeath to my son **HENRY DAVIS** one negro boy named JAMES and one sorrel mare and one bed and furniture to him are his heirs and assigns forever.

ITEM I give and bequeath to my son **MARK DAVIS** one dwelling house that now stands by the barn, to move the same on his land, and one mare named till, and one bed and furniture to him his heirs and assigns forever and one negro boy named CISOR.

ITEM I give and bequeath to my son **ROBERT DAVIS** one negro man named SAM now in his possession to him and his heirs and assigns forever.

ITEM my will and desire is that Negroes WILL and PHEBE, his wife, shall be free after my decease and Negroes JESSE and COTTEN, his wife, and their child named BILL shall also be free provided said JESSE complies with a contract heretofore made between him and me and which I now have him charged on book, but if he does not his son BILL is to belong to my estate and he shall have five years to comply with the same and all my other Negroes divided, and not divided, to be free, the males at 33 years of age and the females at 30 years of age but if any or either of my said Negroes should prove disobedient and run their owners to cost they shall serve out said expense after said time is expired.

ITEM I give and bequeath all the remainder of my estate not heretofore given to be equally divided between my well beloved wife **SARAH DAVIS** and my sons **MARK DAVIS**, **JOHN DAVIS**, **HENRY DAVIS**, and **THOMAS DAVIS** and **SARAH DAVIS** my daughter, to them their heirs and assigns forever.

And lastly I do hereby constitute and appoint my well beloved wife **SARAH DAVIS** and my son **MARK DAVIS** in whose wisdom and discretion I very much confined to be my executors of this my last will and testament and I do hereby revoke all wills of prior date to this and do publish this to be my last will and testament.

**Will, DE, Sussex, MARK DAVIS 1799**

Witness my hand and seal this 5th day of March 1799.

NB whereas sundry of my children have cattle which is called theirs my will is that each of my said children shall enjoy and possess the same in the same manner as within said forth.

**MARK DAVIS** {seal}

Signed, Sealed, published, and declared in the presence of us

**NATHANIEL YOUNG**

**JAMES DEPUTY**

**WILLIAM TRUITT**

Sussex County

Memorandum the first day of August 1799 before me **GEORGE HAZZARD**, register appointed for the probate of wills and granting letters of administration for the county of for said appeared **NATHANIEL YOUNG** Esquire, **JAMES DEPUTY** and **WILLIAM TRUITT** the subscribing witnesses to the for going well who being duly sworn on the holy evangelists of almighty God did depose and say that in their sight, presents, and hearing the testator, **MARK DAVIS**, did sign seal, publish, and declare the same to be his last will and testament and at the doing thereof he was of a sound and perfect mind, memory, and judgment and that they and each of those subscribed the same as Witnesses in the presence of the testator and at his request.

**GEORGE HAZZARD**, register

Will, DE, Sussex, MARK DAVIS 1799

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