

Sidney Maxwell's Will

I Sidney Maxwell of the County of Ashe & State of North Carolina, being of sound and disposing mind & memory, but being well stricken in years & feeble in bodily health, & wishing to make a proper disposition of my worldly substance & estate before my death, do make and publish this my last will & Testament:-

I devise & bequeath to my beloved wife Catharine one third part of all my land for the term of her natural life, also all my household & kitchen furniture of every description during the term of her natural life also a child's share equally with my children of all my personal property, not having otherwise disposed of, to be hers absolutely, and at her own disposal, being her share in the division herein afterwards directed to be made

I bequeath to my daughter Elizabeth Jenkins all my household & kitchen furniture and utensils of every description to be hers at the death of my wife Catharine

I bequeath devise to my son Lorain Maxwell this piece of land on which he lives & is in possession of which he has been placed by me, but which I have not conveyed to him,

I devise and bequeath to my grandson Calvin J. Jenkins his heirs and assigns all the residue of my land wherever situated including my mills on the north fork of New River & the Laurel Creek & on Staggs Creek & the Tracts of land on which they are situated and also including

Sidney Inaywell's Will

after my wife's death the third part of my land herein
devoted to her for her life, also all my stock of hogs
& wagon and gear and farming & mechanical tools
& implements of every description & my cart wheel
for hauling wood & rails, on condition that my
said grandson shall maintain his mother
Elizabeth Jenkins & his sister Eliza Jenkins and
give them a comfortable home each as long
as she shall remain single and on condition
that my said grandson shall pay to the said
Eliza Jenkins my granddaughter the sum of five
hundred dollars at the age of eighteen years
or within a reasonable time after she shall
attain to the said age & the money be lawfully
demanded.

All the remainder & residue of my property
of every description including my slaves my
cattle, horses, notes, & other things of value I beque
each to be divided after the payment of all just
demands against my estate among my wife
Catharine my childrens Sankins Maxwells Sarah
wife of Robert Rumpoff Elizabeth Jenkins Sabry
wife of Allen Perkins & the children of Rebecca
for our wife of Allen Perkins, & the children of
Fanny deceased wife of William Lebbly my
wife Catharine & ^{my} living children to have each
an equal share & the children of my two
deceased daughters to have each also among
them the share to which their mother would
be entitled if living, & in case of the death
of any of my living children during my life
his share to go to their children living at
my death & the share of my daughter & wife
wife of Robert Rumpoff to be held & paid

of my Executor during her life time to her own separate use, free from the control of her husband & not to be paid over till her death & then to be equally divided among her children & during her life time the interest of her share to be paid annually into her own hands. the property to be sold by my Executor at public auction before division and in the division of my property, kindred directed it is my will that no advancement made by me during my life time to any of my children or grandchildren shall be counted & that no sum shall be charged against my daughter Elizabeth Butler or her children for their maintenance or education which I declare to be repaid by their love & care of me in my old age & afflictions

Lastly. I do hereby constitute and appoint my truly friend David Wood Esq. Executor of this my last will & testament. hereby revoking all other wills and testaments by me heretofore made. In witness whereof I the said Sedunia Maxwell do hereunto set my hand & seal this 27th day of May 1853.

David ^{his} Maxwell

Signed sealed published & declared by the said Sedunia Maxwell to be her last will & testament in presence of us who at her request & in her presence do subscribe our names as witnesses thereto
W. W. Connor
John Nelson

37.

Sydney Maxwell's Codicil

State of North Carolina Ashe County
 Whereas I Sydney Maxwell have made my last
 will & testament in writing bearing date May 27th
 1853. and in as much as my grandson Calvin
 I Jenkins has left me and no longer attends to
 my domestic concerns which circumstances
 having now materially changed, I do by this
 my writing which I hereby declare to be a
 Codicil to my said will to be taken and
 construed as a part thereof. I will and wish
 that all my land wherever situated including
 the mills on the North Fork of New River on the
 Laurel creek & Staggs creek heretofore devised
 & bequeathed to my grandson Calvin I Jenkins
 his heirs & assigns also all my stock of hogs and
 farming implements of all kinds to be sold by
 my Executor to the highest bidder and the
 proceeds arising from the sale of said land
 to be equally divided share & share alike between
 my wife Catharine & children viz. Larkin
 Maxwell Sarah wife of Robert Burroughs
 Elizabeth Jenkins Tabrey wife of Allen Perkins
 & the children of Rebecca former wife of
 Allen Perkins & the children of Nancy D.?
 wife of William Selley in like as heretofore
 directed. Also that tract of land heretofore
 devised to my son Larkin Maxwell his heirs
 & assigns whereon he now resides to be sold as
 above mentioned and the proceeds to be equally
 divided share & share alike among my
 wife & children as above mentioned
 as heretofore directed, I do hereby give
 & devise to my beloved wife Catharine
 that tract of land whereon I now reside