

Last Will of James M Edney.

The people of the State of New York
By the Grace of God Free and Independent

To all ^{to}whom these presents shall come
or may concern, Greeting;

Know Ye, That we having examined
the records and files in the office of
the Surrogate of the County of New
York, do find a certain record of the
Last Will and Testament of James M
Edney dec'd and together with the
probate thereof and letters granted
thereon said will having been duly
admitted to probate as to Real and
Personal ~~property~~ Estate on the
Thirteenth day of May in the year
One Thousand Eight Hundred and Sixty
six, there remaining in the words and
figures following, to wit,

Be it Remembered that herebefore to wit; on the
Seventeenth day of May in the year One
Thousand Eight hundred and Sixty six
Maria Edney, an executrix named in
the last will and Testament of James
M Edney late of the County of New
York, deceased, appeared in Open Court
before Sidney J. Tucker, Surrogate of
the County of New York and made
application to have the said last will
and Testament which relates to both Real
and Personal Estate proved, and on such
application the surrogate did ascertain by
satisfactory evidence who were the widow,
heirs and next of kin of said deceased
and their respective residences and said
surrogate did thereupon issue a citation
directed to said widow, heirs and next
of kin by their respective names stating
their places of residence, requiring

them to appear before said Surrogate
at his office in the city of New York,
on the thirtieth day of May then instant
to attend the probate of said will and
afterwards, to wit, on the said thirtieth day
of May, satisfactory evidence by affidavit was
adduced, and presented to said Surrogate of
the Service of the said citation in the mode pre-
scribed by law, it being ascertained on the said
day, or before any proceedings were taken upon
the said will, that several of the parties cited
were minors having no general guardian
residing in the State of New York, a Special
Guardian was appointed in due form of Law
to take care of their interest in the matter
of proving said will, by an order duly
entered for that purpose by said Surrogate
and on that day no one appearing to oppose
the probate of said will, such proceedings
were thereupon had afterwards, that said Sur-
rogate took the proofs of said will herein-
after set forth and upon this thirtieth day of
May in the year one thousand eight hundred
and Sixty six, he adjudged said will to be
a valid will of Real and Personal estate, and the
proofs thereof to be sufficient which said last
will & Testament and proofs are as follows, that
is to say.

In the name of God Amen

I James M Edney
now of the City of New York, being of sound
mind and memory, and considering the
uncertainty of this life, do therefore make
Ordain, publish and declaim this to be my
last will and Testament, that is to say:
First After all my lawful debts are paid
and discharged, I give and bequeath to my
greatly afflicted niece Laura Edney of Augusta
Georgia if she shall then be living, the sum
of One Hundred dollars, and to my affectionate
niece Amanda Gordon of Chatham, Alabama
if she shall then be living and if she shall not

be living then the same to be equally divided among her children. Share and Share alike the like sum of one hundred Dollars the same to be paid out of any money belonging to my estate, as soon as may be after my decease, and the payment of my just debts,

Second I give and bequeath unto my very dear Children Susan Scofield Edney, Francis Eugenia Edney, Samuel Bruce Edney, Virginia Maria Edney and James Madison Edney my House and Lot on the public Square in Asheville North Carolina and all the rents, issues and income thereof to have and to hold the same equally share and share alike and in the event of the death of any or either of my said Children before the said house and Lot shall have been sold, and the ^{income} arising therefrom be distributed among them the share or shares of such deceased child or children to go to and be divided among the survivors equally share and share alike, and I direct that said house and Lot shall not be sold during the minority of my said Children or either of them for a less sum than two thousand Dollars and that if it shall be sold for that or a greater price or sum the share or shares there in of such of my said Children as shall then be of mature years and lawful age, shall be immediately distributed and paid over to them, and the share or shares of such of my said Children as shall then be minors shall be deposited by my Executors in the Seaboard Savings Bank or some other well established Savings Bank for my said minor children until they shall respectively become of age when the share of each shall be paid over to such children and I direct that no money arising from the sale of said house and Lot shall be paid over to or applied to the support of any or either of my said Children

before they shall severally become of age unless in case of pressing necessity. It is my wish that upon the receipt by my Children or any of them of their shares in the said house and Lot, that they or either of them if married shall invest the same in some substantial necessary article to be kept by them in remembrance of me.

Third I give and bequeath unto my beloved Wife, Maria Edney and to my said Children Susan S. Francis E. Samuel B. Virginia M. and James M. Edney severally my six lots of Land situated at Nassau Heights Newtown, Long Island in the State of New York, known as numbers 158, 164, 166, 168, 748 and 750 on the map of the Britton Estate as follows: Lot number 158. I give unto my wife Maria Edney Lot number 164. I give unto my Daughter Susan Scofield Edney Lot number 166. I give unto my Daughter Francis Eugenia Edney. Lot number 168. I give unto my Son Samuel Bruce Edney. Lot number 748 I give unto my Daughter Virginia Maria Edney, Lot number 750 I give unto my Son James Madison Edney to have and to hold the same in severality, and I hereby direct that the said lot number 158 hereby given and bequeathed to my Wife, shall not be sold during her life time and that the said lots hereby ^{severally} given to my said Children shall not be sold until they respectively become of age, and it is my wish and desire that each and all of my said Children (as well those who may be of mature years as those who may be minors) shall retain and keep the said lots at least fifteen years from the present time.

Fourth I give and bequeath unto my said Wife Maria Edney during her natural life all my real estate except such as is herein specifically bequeathed consisting of one lot Block number eleven Number 2 University Ground in Jefferson City Missouri, also lot number nine Section Number seven in the

My press Mills Cemetery in Brooklyn
in the State of New York the fore going
being all free from any incumbrance
Whatsoever also one house and lot on the
North side of one hundred and Twenty
first Street between first and second
Avenues in the City of New York; also one
lot and a gore on the West side of First
Avenue, between one hundred and eighth
and one hundred and ninth Streets,
in said City and known as Numbers Two
and Three on the Map, also lots Numbers 46
47. 48. and Number one on the South side
of one hundred & Ninth Street between first
and second Avenues in said City together
with all the buildings and improvements upon
any of the said lands or appertaining thereto,
and also all the rest, residue and remainder
of My personal property and effects, notes, ac-
counts and demands of every kind and nature
(except the following, to wit the note of Rufus
Edney for one hundred dollars at seven per cent
dated Oct 4th 1854 and one note on B. M. Edney's
estate for six hundred and ninety one dollars
due September 11th 1850 upon which there is
a Credit of one hundred and fifty dollars
Nov 18th 1852 and also a credit of Two hundred
and Twenty five dollars December 7th 1852)
I also give unto My said wife the one half
interest in the American Pump together with
the whole of the fixtures and pumps molds
and patterns at My office, and at the fac-
tory of Mr John Powers No 434 East 12th
Street in the City of New York and the
one half interest in the American, Mill
to have and to hold the same unto My
said wife during her Natural life for
the support of herself and her very dear
Children and upon her death I direct that
the same shall be divided among my Children
Equally share and share alike And it is
My wish that as My said Children shall
reach years of Maturity or become

Spilled in life, that My wife shall make
provision for their comfort by giving
them house rent or setting aside by deed
or gift some certain part of My said
real estate for the use and benefit of such
Children and direct that what ever sum
or sums may be received by either of My
said children under the preceding provisions
of the will shall be charged to the share
of such child or children, and be deducted
there from on the final division and distri-
bution of my property among them. In
case either or any of My Children shall
die before My said wife leaving issue
then surviving, then it is My will
that such issue shall take the share of
them or its deceased parent but if such child
or children shall die without living issue
then the share or shares of such deceased
child ~~or~~ children shall be divided between
My surviving children and the issue of
any deceased child or children share and share
alike, The issue of any deceased child only
taking the share of their or its deceased parent
then in

5th

Fifth) I give and bequeath unto my brothers
Wilson Rufus and Thomas A Edney and to my
Sisters Mary B. Sawyer and Elizabeth J. Edney
or their heirs the afore said Notes of Rufus
Edney and B. M. Edney's estate and also
all My lands on the waters of Clear Creek in the
County of Henderson in the State of North Carolina
(provided however, that the said lands shall not be
sold in less than three years from the date
hereof and that when sold they shall be ad-
vertised for six weeks previous to such sale
in the neighborhood of said lands at the
Court house in Hendersonville and other public
places and shall be sold on a credit of six,
seven and eight months time with legal in-
terest notes and approved security) to be divided
equally between them share and share alike.
In case either of My said brothers and sisters

Shall die before the distribution of the said lands between them bearing issue then the issue of such deceased brother or sister shall take the share of they or its deceased parent, therein, and if more than one the said share to be divided equally between such issue but if they shall leave no issue then the share of such deceased brother or sister shall be divided equally among the survivors and the issue of any deceased brother or sister, ~~share and I have taken the issue of my deceased brother in last~~ taking no more than the share of ~~my~~ deceased parent.

6th I hereby authorize and empower my executors hereinafter named or those who shall act as such, in their discretion if they shall think it best, and most for the interest of my wife and children to sell and dispose of any or all of my real estate, except such as is here in specifically bequeathed to other persons than my wife, or in regard to which other specific directions are here in given at public or private sale at any time previous to the death of my said wife, if a majority of my said executors consent to and approve of such sale and in case such sale of the whole or any portion of my said real estate shall be so made, I direct that the money received therefrom, after payment of all just debts except the mortgages on other real estate than that to be sold and not due, shall be judicially invested in other desirable real estate for the benefit of my family for ever.

I direct that all my just debts be paid as soon as possible after my decease and lastly I hereby make, constitute and appoint my beloved wife Maria Edney and my most highly esteemed friends Hamilton B. Seales and his wife Jane Seales, James E. Harriott and John Elliott or any one of them in conjunction with my

said wife to be the executors of this my last will and Testament hereby revoking all former and other wills by me made.

In witness whereof, I have here unto subscribed my name and affixed my seal. The sixteenth day of April in the year of our Lord, one thousand eight hundred and sixty six

James M. Edney (L 8)

Witness Alfred McKittrick

Robt M^cIntire

Subscribed by James M. Edney, the testator of the foregoing will in the presence of two of us, and at the time of making such subscription the above instrument was declared by the said testator to be his last will and testament, and read by us at the request of the said testator and in his presence, and in the presence of each other signed (and written or in writing) at the end of the said instrument, and in his presence, and in the presence of each other signed (and written or in writing) at the end of the said instrument.

Surrogate's Court County of New York

In the matter of proving the last will and Testament of James M. Edney deceased as a will of real and personal property.

Examination of Witnesses sworn & examined in this above entitled matter County of New York to wit Alfred McKittrick of the City of New York being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said will says, I was well acquainted with James M. Edney now (deceased) I know the above named decedent for about ten years before his death, The Subscriptions of the name of said decedent to the instrument now shown to me and offered for probate as his last will and testament, and bearing date the sixteenth day of April in the year one thousand eight hundred and sixty six was made by the decedent at the time said will bears date, in the presence of myself and Robert McKittrick the other subscribing witness, at the time of such subscription the said decedent declared the said instrument to be his last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent and in his presence. The said decedent at the time of so executing said

Instrument was upwards of the age of Twenty
one years, and of sound mind ~~memory~~
and understanding and not under any
restraint or in any respect incompetent to
devise real estate, I also saw said Robert Mc
Feters the other attesting witness sign his name
as a witness at the end of said will and know
that he did so at the request of said decedent
and in his presence

Alfred McIntire
Sworn this 30th day of May 1866 before me
Gideon J. Tucker
Surrogate

Surrogates Court

County of New York

In the Matter of Proving the Last Will and
Testament of James M. Edney deceased

As a will of real and personal property
Examination of Indorsees Sworn and examined
in the above entitled matter County of New York
to wit Robert McFeters of the City of New York
being duly sworn as a witness in the above entitled
matter, and examined on behalf of the applicant
to prove said will, says I was well acquainted
with James M. Edney now deceased

I knew the above named decedent for four months
before his death The subscription of the name
of said decedent to the instrument now shown
to me and offered for probate as his last will
and testament and bearing date the sixteenth day
of April in the year one thousand eight hun-
dred and sixty six was made by the decedent
at the time the will bears date in the presence
of myself and Alfred McIntire the other attesting
witness sign his name as a witness at the end of
said will and knows that he did so at
the request of said decedent and in his
presence. Robert McFeters

Sworn this 30th day of May 1866 before me
Gideon J. Tucker

Off a Surrogate Court in and
for the County of New York
at the Surrogate's Office in the
City of New York on the 30th day
of May in the Year 1866

Present Gideon J. Tucker Esq
Surrogate

In the Matter of Proving
the last will and testament
of James M. Edney deceased

The Citations in this
matter having been duly issued, served,
and returned, such proceedings were
thereupon had, that the proofs were duly
taken and the allegations of the parties
appearing having been heard. It is decided, or-
dered, adjudged and decreed, that the instrument
offered for probate in this matter is the last will
and testament of the said testator and, as such
is valid as a will of real and personal estate, and
the same is hereby admitted to probate as a will
of real and personal estate

Gideon J. Tucker
Surrogate

The People of the State of New York
By the Grace of God Free and Independent
To all to whom these presents shall come
or whom they may concern

Send Greetings
Know Ye that at the County of New York
on the 30th day of May in the Year of our
Lord one thousand eight hundred and sixty
six before Gideon J. Tucker Esq Surrogate
of our said County, that the last will and
testament of James M. Edney deceased was
proved and is now approved and allowed by us
and the said James M. Edney, being at an
immediately previous to his death an inhabitant
of the County of New York by means whereof the
proving and registering said will and the

Granting redmption of all and
singular the goods, chattels and credits of
the said testator and also the auditing allowing
and final discharging the account thereof, doth
belong unto us, the Administrators of All and
~~Singular~~ **Singular** the ~~Goods~~ **Goods** Chattels and Credits
of the said deceased and any way con-
curring his will granted unto Martin Edney
of this City of New York an executor for the
said Will named he being first ~~Sworn~~
Sworn over, faithfully and honestly to discharge
the duties of such executor

In Testimony Whereof we have
caused the Seal of the Surrogate's Court to be
hereunto annexed

Sidney J. Tucker Esq.
Clerk of Surrogate's of our said County at the City
of New York the 30th day of May in the year of
our Lord one thousand eight hundred and
eighty six and of our Independence Ninety
two
Sidney J. Tucker
Surrogate

All which we have caused by these presents
to be exemplified and the Seal of our said
Surrogate's Court to be hereunto affixed

Witness Daniel S. Rollins Surrogate at the City of
New York the Twenty ninth day of May in the
Year of our Lord one thousand eight hundred
and eighty seven of our Independence the
one hundred and eleventh

Ansburn Dickinson

Clerk of Surrogate's Court

I Daniel S. Rollins Surrogate of said County and
Sole presiding Magistrate of the Surrogate's Court
do hereby Certify that Ansburn M. Dickinson who's
Name is subscribed to the preceding exemplification
is the Clerk of the said Surrogate's Court of the
County of New York and that full faith
and Credit are due to his official acts I
further Certify that the Seal affixed to the
exemplification is the Seal of our said

Surrogate's Court and that the Attestation
thereof is in due form and according to
the form of attestation used in this State
Dated New York June 29th 1887
Daniel S. Rollins
Surrogate

State of New York
City and County of New York

I Ansburn M. Dickinson Clerk of the Surrogate's
Court of the County of New York do hereby Certify
that Daniel S. Rollins whose name is subscribed
to the preceding Certificate is the Sole presiding
Magistrate of the Surrogate's Court of the County
of New York duly elected Sworn and qualified
and that the Signature of said Magistrate to
said Certificate is genuine

In Testimony Whereof I have hereunto
set my hand and affixed the Seal of the said
Court, this 29th day of June 1887
Ansburn M. Dickinson
Clerk of the Surrogate's Court

North Carolina 3
Buncombe County

It appearing to the Satisfaction of the
Court from the annexed Certificate that the
last will and Testament of James M. Edney
has been duly proved according to the laws of
the State of New York and according to requirements
of Statute in N.C. and it appearing further that
said will affects real estate in the County of
Buncombe and State of N.C. all the above facts
appearing from an inspection of the record
and from Certificate of proper officer
duly authenticated by Seal Wherefore it is
adjudged that the copy of annexed will
and the Certificate thereon are proper and
and that the same be recorded and filed and the same are hereby allowed filed and recorded
Cords to be recorded in the same manner as
if the original will had been duly produced
in this Court Done at Asheville N.C.
this July the 6th 1887
W. I. Reynolds C. S. C.

Seal of
Surrogate's
Court

Seal of
Surrogate's
Court