

In the name of God, eternally. This is the Testament and last will of me, Richard Stockton of the county of Somerset and State of New Jersey, burgess at large.

1st. I give to my beloved wife, Elizabey, one thousand dollars, which are invested in the Savings Bank, in the City of New York, in her name, together with all the accumulations thereof as the same shall be found at the time of my death; also, all the money I may have in the house or in deposit in any Bank at that time, and all my silver plate. Also, the carriage and horses in use at that time, one common wagon and gears three cows and four hogs to be chosen by her, all liquors and meats and other provisions in the house, all the grain, either in the ground or gathered - all the hay in the barn or stacks or barnacks to be used by her, and for the maintenance of the stock until it be sold - all the household and kitchen furniture which she may choose to keep - all my books except my law library and Encyclopedia. I also give unto my said wife the full use of the house I now dwell in, with the ground in front, and the gardens, together with the four adjoining lots of land, that is to say, two lots now thrown into one to the east of the cleansing house bounded by the old road to Trenton - the road to the Bayards, and the fence running from the corner of the old orchard near the quarry, to the garden fence, including the root house, and its yard, and two lots west of the house, to wit: the young orchard used as a hog pasture, and the lot fronting the same extending to the old Treatment, together with all such parts of the out houses and barns, as the may have occasion to use - to hold the said real property during her natural life in full compensation of her share in my real estate. I also give to my said wife my servants at the time of my death.

2nd. Order and direct all the remainder of my goods and chattels Stock and personal utensils of every kind and description be sold as soon as may be by my Executors and that after paying my debts the said Executors pay the same over to my Trusteeship named - and I give and bequeath all the rest of my personal estate of whatever kind or nature unto my friend Samuel Bayard, the elder, and to my son Robert H. Stockton jointly, and severally, and unto the survivor, upon this special trust, that they shall collect and call in, as soon as may be, all money which may be out on doubtful securities, and keep out at interest that part which they shall think is in safe hands - and shall invest all they collect in productive funds, and pay over the interest money on dividends, as they same shall arise from time to time, to my said wife during her undivided for her own maintenance, and for the support or aid of any of my children in such manner, and in such proportions, as she in her discretion shall think proper - but the principal sum is not to be impaired or paid over, but from time to time as it may be paid in, and as soon as may be again put out or re-invested in other funds - and upon the further trust that after the determination of my wife's interest in the said fund, that the same be divided into four equal parts - and that my said wife's interest from time to time of one-fourth part unto me as my Executor.

Buncombe Co.

Interest from time to time of one-fourth part unto me as my Executor.

and I hereby give the same to my daughter, Julia Stockton - one-fourth part unto my daughter, Caroline Rotch - one-fourth part to my daughter Julia - and the remaining fourth part unto my daughter, Anna Thompson, charging her also with the sum of fifteen hundred dollars on account of the lands settled up on her, which advance I also give to my said daughter Julia and I further direct and will that the above bequests to my married daughters, including also my daughter, Julia, if she should be married be secured for their own separate use respectively, without being under the control or liable for the debts of their husbands - and that their receipts be deemed good and effectual notwithstanding their Coverture, which trusts are to continue during the joint lives of my said married daughters and their husbands respectively - and if they out live their husbands, then in trust for my said daughter's respectively and if they die before their husbands then to their children, if they have any, in equal shares, and if they die without leaving children or the representatives of children then in trust for my surviving daughter, in equal shares. I also will and direct that my said Trustees shall each be answerable only for his own act, and not for that of his companion.

3rd. My will is, that my sister, Mrs. Abigail Field have the house and garden lot, which she now lives in, as long as she thinks proper to live in, and inherit it - and afterwards I give the same to my daughter Anna, and her heirs forever -

4th. I give and devise unto the said Trustees several lots or tracts of land, in the County of Meida, in the State of New York, amounting in the whole, to about five thousand acres, and which have been laid for long since, and are free from all incumbrances, and which, from their being near to the Canals, will in time be very valuable upon the same trusts before referred to them, and their heirs for the purposes of the said Trust - And I also give and devise to the said Trustees, and their heirs - the like trusts about one thousand acres of land which I own in three tracts in the counties of Lycoming or Bradford in the State of Pennsylvania.

5th. I give and devise unto my son Robert H. Stockton (subject to the provision I have made for my wife) the mansion house farm and plantation ^{called} Chervis upon which I was born - have always lived and hope to die, consisting of about two hundred and seventy acres more or less, together with the western lot of my Honey Brook meadow, which I have occupied myself with the said farm, which lot ~~is~~ contains about twenty-five acres, more or less, and extends up to the fence along the wood - land - 6 acres, my said son, and his heirs forever. I also give the same to my said son the two lots of land, on the north side of the Main Street of Princeton, on which he has built, which I gave but have not yet formally conveyed to him - to hold to him and his heirs forever - and whereas, I am owner of one moiety, or half part of two large tracts of land, one of forty, and the other of twenty, acres and acres, held with the general assembly of the Presbyterian Church, in the County of Buncombe, in the state of North Carolina..

Tenants in common in fee simple - and in consideration of the said devise to my said son Robert, I will and direct that he do pay in ~~ten~~ years from the time of my death to my son Richard Stockton the sum of two thousand dollars - which sum I give to my said son Richard, and charge upon the lands so as aforesaid devised unto my son Robert, and upon no other part of my property - If my said son Richard should die before the said charge becomes payable, it is not to sink into the said land, but to be payable to any lawful child, or children of my son Richard, and if there be more than one, then to the children in equal shares, but if my son Richard should die before that time without lawful issue, then the said ten thousand dollars must be paid by my son Robert to my sons Samuel and William in equal parts of five thousand dollars each.

6th I give and devise unto my son Samuel W. Stockton, my Tusculum farm, now in the tenure of Samuel Updike, consisting of about two hundred and eleven acres of land, together with the buildings, improvements and appurtenances - and also, what rent may be due for the same for the year in which I may die. I also give to my said son Samuel the land which lies between the two roads to Trenton, and between the land there given and settled upon my daughter Anna and her all of which is to him and his heirs forever.

7th I give and devise unto my son William S. Stockton the farm now in the possession of Bargilla Ellis, containing about two hundred and fifty acres more or less, with all the buildings, improvements, and appurtenances, and also the eastern lot of Stony Brook Meadow up to the woodland which has been for some years annexed to the said farm, containing about twelve acres more or less - and also the Blacksmith's house, shop, and lot at the north east corner of said farm, and all the land up to the lots of Steadman, and the Seminary, to him and his heirs forever - and also, the rent of said farm and Blacksmith's house and shop, which may be due for the year of my death - and if either of my said sons Samuel or William should die before he attains the age of thirty-five years and without issue lawfully begotten, then I give the farm of the one so dying, to the one that shall survive, and his heirs forever, and if both of my said sons should die, then I give the Tusculum farm to my son Richard, and his heirs forever - and the farm devised to William to my son Robert and his heirs forever - they paying all the lawful debts of the son whose farm they may take under this will. The stipulations do not include the land between the roads - nor the Blacksmith's lot - nor the lots between that and Steadman's, on the Turnpike, intended for building lots. - It is my further will, that my wife have the privilege of getting her fire wood, and such fencing as she may need from off the chosen farm, during the time she shall occupy the house - that she have pasture for her cows and horses, and a sufficiency of hay from the said farm, to be supplied by my son Robert, if she should at any time not have a sufficient supply from her own lots, and having full confidence in the prudence of my wife, and in the affection she has for her children, my will is that she enjoy all the privileges and requests given her ^{before the signature} before the signature of this instrument, and in case of her death, my will is that she be impeached of waste or inability to account.

I give to my son Samuel, his son's Encyclopedias and to my son, William one half of my Law Library, and the American Farmer.

And, whereas, my brother Lucius Horatio Stockton is indebted to me, a large sum of money upon bond and mortgage - which will form a very important item of the provision made for my daughters, if the same should remain unpaid, and outstanding at the time of my death. I hereby direct my executors to take effectual steps for the recovery or better securing of the principal, and the punctual payment of the interest - I am also security for my said brother for a large amount being upwards of eight thousand dollars on bonds and endorsed notes, and have a mortgage of indemnity on his two farms in this township - and I further direct that if these matters remain unsettled at the time of my death, my executors do use all lawful ways and means to extricate my estate from this burden, by procuring the payment of what is due by my said brother - or if that cannot be done by communicating with his said creditors, and taking proper steps to recover the money they may advance or become answerable for - - -

If at the time of my death there should be any property not herein disposed of, or which by reason of leases or otherwise shall not pass by this will, I hereby give the same to all my children, and their heirs in equal parts.

Last, I hereby revoke all wills heretofore by me at any time made, and nominate and appoint my said friend Samuel Bayard, my dear wife, and my son Robert F. Stockton, executors of this, my will, during the life of my wife, and after the death of my wife I appoint my sons Samuel and William executors in her place.

In witness whereof I have hereunto set my hand and seal, (being all in my own hand writing) this fourteenth day of January, in the year of our Lord, Eighteen hundred and ~~Twenty~~ ^{to} Sixty-Six.

Signed, sealed, sealed, and published by the said Testator as and for his testament, and last will
in the presence of -- Chas. Steadman
Samuel J. Bayard.
Hannah B. Field.

R. Stockton. (R.S.)

Samuel J. Bayard being duly sworn, according to law, did depose and say that he saw Richard Stockton, Esq; the within testator sign and seal the within instrument, and heard him publish, pronounce and declare the same to be his last will and testament, and that he was of sound and disposing mind and memory, at the time of the execution thereof, and that Hannah B. Field, and Charles Steadman the other subscribing witnesses, were present and subscribed their names as witnesses to the execution of this instrument together with this deponent in the presence and at the request of said Testator.

Sworn, and I subscribe at Somerville,

before me, 1868, #1828.

Samuel J. Bayard

Robert F. Stockton and Samuel Bayard two of the executors named in the within instrument, being duly sworn according to law, did severally depose and say that the within writing contains the last will and testament of Richard Stockton, Esq; deceased, as far as they know, and as they verily believe, — that they will well and truly perform and fulfill the same by paying first the debts of said deceased and then the legacies therein specified, so far as goods, chattels and credits can thereunto extend: and exhibit into the Surrogate's office of the County of Somersett a true and perfect inventory of all and singular the goods, chattels and credits that shall or may come to their knowledge or possession, or possession of any other person or persons for their use whenever demanded.

I swear at Somersett
Chas 17th 1828 before me,

Sam'l Bayard
R. F. Stockton

I W. Freyngaynor, Surrogate.

State of New Jersey: I, James D. Westcott, Register of the Proctorate office of the State of New Jersey, do hereby certify that the foregoing is a true copy of the last will and testament of Richard Stockton, Esq; late of the County of Somersett, in said State, deceased, and also of the probate thereof as taken from an ^{copy} compared with the original now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at the City of Trenton, in said State, this eighteenth day of August, A.D. one thousand eight hundred and thirty-eight (1838)

James D. Westcott.

State of New Jersey: I, William Pennington, Governor and ordinary or Surrogate General of the State of New Jersey, do hereby certify that James D. Westcott, Esq; who hath signed the annexed certificate, and whose official seal is thereto affixed, is Register of the Proctorate office, of the State of New Jersey, duly appointed, commissioned, and sworn, and that his faith and credit are, and ought to be given to his official attestations, and that said certificate is in due form of law.

In testimony whereof, I have hereunto set my hand and caused the great Seal to be hereunto affixed, at the City of Trenton, in said State, the eighteenth day of August, in the year of our Lord, one thousand eight hundred and thirty-eight, and of the Independence of the United States the 63rd.

Wm. Pennington

Jas. D. Westcott, Sec. of State
State of North Carolina

Buncombe County — February Term, 1840.

The foregoing will and testament of Richard Stockton of the date of Feb. 1831 to 1868

Buncombe Co. NC Wills

1831 to 1868

and

Buncombe Co. NC Wills

In the name of God, amen. I, Bedent Baird, of the State of North Carolina, and County of Buncombe, being of sound disposing mind and memory, and calling to mind the uncertainty of life, do, on this, fifteenth day of March, in the year of our Lord, one thousand eight hundred and thirty-eight, make and publish, and declare my last will and testament in manner following, that is to say:

In the first place, it is my will and desire, that all such just debts as I may be owing at the time of my decease, be by my Executors hereinafter named, paid out of such part of my estate as is notwithstanding specifically devised.

2nd I give and bequeath unto my beloved wife, Mary Lane, in case she survive me, a decent and comfortable Support, to be derived from all my lands and tenements, for and during the term of her natural life, and that the full and absolute right of all my household and kitchen furniture rest in her, together with one horse, saddle and bridle, of good quality — and also that she have the full, free, and unlimited control of my negroes Edward, Nancy, & Delia, and Eliza, and their issue, during her natural life; after which it is my will and desire, that the said negroes, and such issue as they may have from this time forward, be equally and fairly divided between my sons Israel Baird and William R. Baird, share and share alike, except the said girl Eliza, who then with issue goes to the said Wm. R. Baird exclusively.

3rd I give and bequeath unto my son Israel Baird, my five tracts of land, situate, lying and being in the State and County aforesaid, on Beaver Creek, and the waters thereof, including the place where he now lives, containing in all, eight hundred acres, more or less, to have and to hold to him and his heirs forever, subject nevertheless to a charge of five hundred dollars, to be paid by him, his heirs, executors or administrators, to his brother James M. Baird, so soon as he, the said James M. Baird shall have completed his studies, and obtained a diploma, or in a reasonable time thereafter. A good and sufficient voucher for the payment of the said sum of five hundred dollars to the said James M. Baird, according to this my will and desire shall suffice to him, and his heirs as a legacy forever, a good, pure, and absolute estate of inheritance in the said lands and tenements. Also give and bequeath unto my said son, Grace Baird, and his heirs the following negroes, to wit: one man named Perry, one named Chingo, and one girl named Eliza, together with all and singular the issue of her the said girl Clara, which may be hereafter born, to have and to hold all and singular the said three negroes to him and his heirs forever.

4th I give and bequeath to my daughter Margaret R. Smith, and to her husband Samuel Smith, two several notes of hand, which I now hold

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