State of North Carolina }
Burke County }

I, Jacob Harshaw, of the County of Burke and State of North Carolina, do make this my last Will and Testament, ——————

Item First. I give and devise to my beloved wife Barbara Harshaw for the term of her natural life or widowhood that portion of the following Tracts of land, viz. Old Harshaw Tract, Weaver Tract, Mill Tract, Peter Johnson Tract, James Tract, Norwood Tract, Miles Harper Tract, Farmer Tract, Miniard Gibson Tract, Isaac Johnson Tract, and any other Tract, including the Reidling Tract, lying contiguous to any of the Tracts above named, lying West of a certain line Beginning on a Black Walnut, on the bank of the Catawba River about Seventy-five yards above the mouth of the Spring Branch, marked with Three marks on the South side, and Three marks on the North side, and runs North Five degrees East to a large White oak Known as the Shade Tree, the same course to the South west corner of the Joshua Harshaw house, the corner stone upon which the house stands, then North Twenty Degrees East, to a small Black Oak marked as a Corner and pointers around it on the Ridge Road, then with the old Ridge Road with its crooks and curves about

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Seven Hundred and Fifty yards, marked on Each side to a Hickory Tree, marked as a corner and pointers, then North to a small Post Oak marked as a corner and pointers on the South side of the Road running from Golson Smith's to the Catawba Academy, and now Known as the Academy Road, which corner is due North of the Hickory corner, then North, the same course, to a Dogwood and Sourwood Tree in Jacob Harshaw's back line, and also in the line of the Mc Call Tract, provided, however, that the above devise to my wife Barbara is not intended to include any of my lands lying on the West side of Lower Creek.

Item Second. At the death or marriage of my wife Barbara I give and devise the above described land to my children Sidney S.

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

wife Barbara is not intended to include any
of my lands lying on the West side of Lower
Creek.

Item Second. At the death or marriage of my
wife Barbara I give and devise the above
described land to my children Sidney S.
Harshaw, Sophronia Corpening, Mary Ann
Kemphill, Elizabeth M. Haliburton, Cynthia
A. Yount, and my grandchildren Rebecca
Ann Dula and Lucinda L. Tuttle, and
the children of Jacob Newton Harshaw born
or to be born, to them and their heirs forever,

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

A. Yount, and my grandchildren Rebecca Ann Dula and Lucinda L. Tuttle, and the children of Jacob Newton Harshaw born or to be born, to them and their heirs forever, provided, however, that Rebecca Ann Dula and Lucinda L. Tuttle are to take the share that their Father would have taken had he been alive and I died intestate, and that the children of Jacob Newton Harshaw

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

that the children of Jacob Newton Harshaw

are to take in the same manner, but it is my will and desire that Jacob Newton Harshaw take the legal title of the share intended for his Children, and that he receive the rents and profits thereof and apply the same to the support and maintenance of his said children until the youngest shall arrive at the age of Twenty One years, and that at that time he convey the legal title to all his children who shall then be alive and to the issue of such of his children as shall have died during the lifetime of the said Jacob Newton Harshaw,

Item Third - I give and devise to my daughter Sophronia Corpening all my lands East of the above described line or its prolongation in a North course, including the whole or portions of the following tracts of Land, viz:- The portion of the old Harshaw Place East of the above described line, the Conley Tract, on which my said daughter Sophronia now lives, the Moyers Tract, the Johnson Bean Tract, a portion of the Norwood Tract, and a small portion of the James' Tract, for the term of her natural life, and at her death the same to go to her children, to them and their heirs forever:-

Item Fourth - I give and devise to my daughter Mary Ann Hemphill all my lands on the South

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

side of the Catawba River, lying in the County of Burke and State of North Carolina, including all the different tracts adjoining or contiguous to the Plantation on which she now lives, for the term of her natural life, and at her death to go to and be enjoyed by her children, to them and their heirs forever.

Item Fifth. I give and devise to my daughter Elizabeth M. Haliburton all my lands on the West side of Lower Creek, lying North of a certain line Beginning on a wild Cherry Tree on the West side of Lower Creek, and runs west Sixty Poles more or less to a dead pine on the side of a bridge and ditch, then the same course one hundred and four poles to a small Hickory Tree and pointers supposed to be in B. Bristols line - for the term of her natural life and at her death to go to

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

on Johns River, at the mouth of Mulberry Creek, whereon my son Jacob Newton Harshaw now lives, to my said son, Jacob Newton Harshaw, In trust nevertheless that he stand seized of the same in trust for all his children, and that he receive the rents and profits thereof until his youngest child attains the age of Twenty one years, and that during that time he receive the rents and profits thereof, and apply the same to the Education, support and maintenance of his said children, and when the youngest shall arrive at the age of Twenty one years that he then convey the said Plantation to all his children, and to the issue of such of his said children as shall die before the Youngest of his said children shall attain the age of Twenty One years, share and share alike, the issue of those dying before the Youngest of his said children shall attain

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

alike, the issue of those dying before the youngest of his said children shall attain the age of Twenty One years to take such share as their deceased parent would have taken had he been living.

Item Eighth - All my lands on Linville River in Linville Cove, and on Rose's Creek, in Mitchell County, State of North Carolina - I devise to my Executors to sell, and convert the same into money, and the proceeds of the same I give and bequeath to all my children and

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

to the issue of such of my children as may
die or have died during my lifetime, share
and share alike, provided that the issue of
such as are dead or may die during my
lifetime shall stand in the place of their
deceased parent, and take the same share
as he or she would have taken, had he or
she been alive and I died intestate, and
provided further that my son Jacob Newton
Harshaw shall take the share to which he
would have been entitled had I died intes=
tate, in the same manner and to the same
intents and purposes as those for which I
have devised my lands at the mouth of
Mulberry creek, on Johns River, wherein my
said son Jacob Newton Harshaw now resides.
Item Ninth - I give and bequeath to my beloved
wife Barbara all my household and Kitchen
furniture, provisions, corn, grain, meat, horses,
cattle, hogs, poultry, mules, which may be on
hand at my residence or elsewhere at the time
of my death, for the term of her natural life,
with power to dispose of the same or any
part thereof during her life, and at her death
any portion of the same which may be undis=
posed of at her death I give and bequeath
to my Executors, to the same uses and purposes
as the property devised in Item Eighth of this Will.

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Item Tenth — I give and bequeath unto
Jon Sidney S. Harshaw Two Thousand
Dollars ($2000.) to be paid to him by
my Executors out of monies to be collected
by them out of debts due to me, or from
the proceeds of real estate devised to them
to be sold —
Item Eleventh. I give and bequeath to
Catherine Hemphill and Sarah Hemphill
daughters of T. L. Hemphill, the sum of One
Hundred Dollars each, to be paid to
them by my Executors when they come of
the age of Twenty One years or at their
marriage, out of monies to be collected
by my Executors on debts due me, or from
the sale of real Estate devised to be sold —
Item Twelfth. All the rest and residue of
my Estate, consisting chiefly of debts due

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

by my Executors on debts due me, or from
the sale of real Estate devised to be sold—
Item Twelfth, All the rest and residue of
my Estate, consisting chiefly of debts due
to me, I give and bequeath to my Executors
first, to pay all my just debts if any
should be due from me at the time of
my death, and the residue thereof to be
divided among all my Children and
the issue of such as are dead or may
die before me, such issue to take the

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

poles to a small Hickory Tree and pointers supposed to be in B. Bristols line - for the term of her natural life, and at her death to go to and be Enjoyed by her children, to them and their heirs forever. ~~~

Cynthia A. Yount a certain sealed note of date November Twenty Second, One Thousand Eight Hundred and Fifty Eight, for Twenty Five Hundred Dollars in United States coin, given to me by Z. Young, B. T. Young, Thos Young and Thos B. Wilson, and as I am informed that the above bequest gives the absolute interest in the note aforesaid to Peter L. Yount, the husband of

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my said daughter Cynthia A. Yount, and also that my said son in law designs to use the said note in the purchase of a tract of land in the County of McDowell, State of North Carolina, belonging to the said Z. Young, now my will is, that my said son in law, Peter L. Yount, shall not take the said note to his own use, but that, if it be used in the purchase of the said tract of land, then the same land shall be conveyed to my daughter for life, and at her death to Her children, to them and their heirs forever;- and if the said note be not used for the purchase of said land, then my will and desire is, that my Executors shall collect the said note, and invest the proceeds of the same, and pay the interest thereon yearly to my said daughter Cynthia A. Yount during her natural life, and at her death pay the principal, and the interest then due, to her children - And further, if at any time after the Execution of this my last Will, I should deliver the said Note to the said Peter L. Yount, as I am minded to do, my will is that he shall hold the same to the uses intents and purposes above stated. Item Seventh, I give and devise my Plantation in the County of Caldwell, State of North Carolina,

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

shuld be due from me at the time of
my death, and the residue thereof to be
divided among all my children and
the issue of such as are dead or may
die before me, such issue to take the
share which their deceased parent
would have taken had he or she been
alive at my decease and I died intestate

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

provided, however, that the share of such residue as would have fallen to my son Jacob Newton Harshaw, had I died intestate, and he been alive at my death, shall be held by him upon the same uses, trusts and purposes as the lands devised in Item Eighth of this my last Will. and provided further that should Ja my Executors be compelled to pay any debts for which I am surety to the said Jacob Newton Harshaw the same shall be de= ducted from the said amount going to his children under this Item of this my last Will. ~~~~~

Item Thirteenth — I appoint my son Jacob Newton Harshaw and my son in law J. C. Haliburton and my son Sidney S. Harshaw Executors of this my last Will and Testament And it is further my desire that no pro= ceedings shall be taken to remove either of my Executors by reason of any pecuniary Embarrassment existing at the date of this Will, the same being well known to me— In witness whereof I have signed and sealed and published and declared this Instrument as my last Will and Testament — at the house of J. C. Haliburton in the County of Burke and State of North Carolina on this the Twentieth

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

day of December [redacted] the year of Our Lord
One Thousand, Eight Hundred and Sixty Seven

Lab[illegible] Horshaw (Seal)

The said Jacob Harshaw, at the said House of
J. C. Halibuton, in the County of Burke and
State of North Carolina, on said Twentieth Day
of December in the year of our Lord One Thousand
Eight Hundred and Sixty Seven, signed and
sealed this Instrument and declared and
published the same as and for his last
Will and Testament. And we, at his request,
and in his presence, and in the presence of Each
other have hereunto written our names as
subscribing witnesses

G. W. Walker
Wm. S. Sudderth
Linlon A Alley

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Wm. S. Sudderth
Linton A Alley

Item fourteenth it is my Will and desire that Item sixth be so amended as to give Peter L Yount and wife Sinthia the use and Control of the above or foregoing note I therefore place the above note in his hands this day the 18th of January 1858 which was mentioned in Item sixth on Z. Young and others dated November 22nd 1858 for Twenty five Hundred Dollars in United States Coin it being my intent now to give to Yount

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

John L'Yount and wife Sinthia the use and
Control of the above or foregoing note
I therefore place the above note in his hands
this day the 18th of January 1861 which is
mentioned in Item sixth on B. Young and
others dated November 22nd 1858 for Twenty five
Hundred Dollars in United States Coin
it being my purpose now to give to Yount

the entire property in the said note
This Codicil was written on the 18th of January
1868 except the last five lines which was
added on this the seventh day of March
1868

Jacob Wortham

Signed published and declared this the
seventh day of March 1868 in the presence
of George W. Folk and William Shute
both who in my presence and in
the presence of each other have hereunto
signed their names as subscribing
witnesses to this Codicil.

G. W. Folk
W. L. Suddeth

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

State of North Carolina } Court of Probate
Burke County } December 21st 1868.

This day personally appeared in open Court, Jacob A Bolch, one of the subscribing witnesses to a certain paper writing purporting to be the last will and testament of Jacob L A Hausland, as the last will and testament of Jacob Hausland, deceased & saith, that he was present when the said paper writing was written and executed, and that the same was written by C A Bailey, one of the subscribing witnesses thereto at the request of Jacob Hausland, who was present and dictating and directing the said paper writing, and every part thereof, and that the same was read over to him by C A Bailey, before it was executed, and he expressed his satisfaction therewith, and executed the said paper writing by signing his name thereto in the presence of himself and in the presence of each of the other subscribing witnesses, C A Bailey & W L Sudduth, and pronounced it to be his last will and testament, and requested the said witnesses, and the other subscribing witnesses, to witness it as such, that himself and the other two subscribing witnesses, did then and there, at his request, and in the presence of the said Jacob Hausland, and in the presence and hearing of each other, subscribe their names to said paper writing as witnesses thereto, and that the paper writing, appeared to said last will and testament, pertaining to be a record thereof, was written by this affiant at the request of the said Jacob Hausland and dictated by him as a part of his last will and testament, who executed the same by signing his name thereto in the presence of this affiant and in the presence of W L Sudduth the other subscribing witness and pronounced it to be a part of his last will and testament, and requested this affiant & said W L Sudduth to witness it, which they did in the presence of said Testator and in the presence of

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

each other. That this affiant, further maketh oath that
said Sarah Harshaw, at his opinion. at the time that he
ented the said paper writing, purporting to be his last
d testament and at the time he executed the paper and
n declaring to be a codicil thereto. was of a sound
d disposing mind and memory. and fully under
hat he was doing. and intended the said paper
writing to be and constitute his last will & testament

G. W. Walk

orn & Subscribed before
e in Open Court this 21st Day
Dec 1868

G. L. Irwin Judge
of Probate

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

State of North Carolina } Court of Probate
Burke County } December 21st 1868

To the Judge of Probate of said County

The application of I. C. Hallenton. I. N. Hanshaw. of the Counties of Burke and Cleaveland, respectfully represents to the Court, that Jacob Hanshaw, late of said County departed this life on the 10th of December 1868, in the County aforesaid, having made and published his last will and testament in writing, with all the necessary legal formalities to pass both real and personal estate. in which paper writing your petitioners and I. N. Hanshaw of the State of Georgia are appointed the Executors thereof. and said petitioners, now present the same to this Court for probate,

That the said Jacob Hanshaw died seized and possessed of a large real estate, consisting of various tracts of land in the Counties of Burke, Caldwell Mitchell, and Cherokee. Some two thousand acres adjoining, in Caldwell on Johns River. at the mouth of Mulberry, including where I N Hanshaw lives. & lands on the Yadkin. purchased as the property of two Cherokee Indians. & the mineral interest in the Clark gold mine - the whole estimated. on Linville and its waters, consisting of some eight or ten tracts, and one tract Mc Kenzy's Gold known as the Copeman's Ford tract, and one small tract in Cherokee, & probably other lands in those other counties not known at present. by these petitioners. all of said lands are supposed to be worth. between Twenty Five and Thirty Thousand Dollars. The said Testators property personal property consist. of notes and bonds, money, and small Chattel property, such as horses, Cattle, hogs &c &c

117

worth nominally some fifty or sixty thousand dollars.
Thos petitioners further showeth that the said Testator has
his last will and testament ~~has~~ devised and bequeathed
his whole estate both real and personal to his children
and grand children, excepting two small legacies to the lit
daughters of Thomas L Hemphill. That the devisees & legatees
who reside in the County of Burke are, Ann Hemphill. and
Elizabeth Hallenton. & Sarah and Catherine Hemphill. two chil
of Thos L Hemphill. who are minors, and Thos Guardian
for the County of Caldwell. J A Harshaw. one of your petition
Ann Linda. wife of Silas Linda, Seamon Tuttle, wife of Wm Tuttle
Saphronia Carpenning. in Catawba County. Cynthia Yount
wife of P. L Yount, and J L Harshaw of the state of
Georgia, living near Blairsville,

Burke Co. NC Wills 1793-1868
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The foregoing is a general exemption of the property of th
estate of Jacob Harshaw & of the names and residences of th
devisees & legatees, so far as these applicants are informed

J. A. Harshaw

L C Hallyburton

Sworn to in Open Court & Subscribed
before me this 21st day
of Dec 1868

F. D. Erwin Judge
of Probate

State of North Carolina } Court of Probate
Burke County } 2nd December A.D. 1868.

Probate

Two paper writings purporting to be the last Will and Testament of Jacob Hanshaw dec'd and a codicil thereto is presented in open Court for Probate by J.C. Hallyburton and J.A. Hanshaw two of the Executors therein named and is duly proven according to law by the oaths and examinations in writing of Geo. A. Folk & Wm. S. Suddeth two of the subscribing witnesses thereto who depose and swear that the said paper writing was signed and sealed by Jacob Hanshaw in the presence of both of the said witnesses and B. A. Cilly, that they and the other subscribing witness B. A. Cilly signed the same in his presence, and in the presence of each other as witnesses thereto at his request, and that the said Jacob Hanshaw pronounced and published said paper writing as his last Will and Testament, and that they believe that at the time of said Execution and attestation that Jacob Hanshaw was of sound ~~and~~ disposing mind and memory and fully capable of making a last Will and Testament, and fully understood what he was doing, and the said witnesses further depose that the other paper writing endorsed upon the

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

original will and Testament, dated the 7th day of March 1868. purporting to be a codicil to said Will and Testament was duly executed on the day it bears date by Jacob Haushaw who signed his name to the same in their presence, and pronounced it to be a part of his last will and Testament, and requested them to witness the same, which they did by signing their names in his presence, and in the presence of each other, and that they believe that he was of a sound disposing mind and memory.

The Court doth therefore adjudge that the said two paper writings is the last Will and testament of Jacob Haushaw-ser, and doth order that the said paper writings with the certificate of Probate be recorded and filed with the record of this court: whereupon Jacob Newton Haushaw and J. C. Hallyburton two of the Executors named in said last Will and Testament are duly qualified as such by taking and subscribing

Burke Co. NC Wills 1793-1868
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therefore adjudge that the said [illegible] is the last Will and Testament of Jacob Haushan dec'd, and do order that the said paper writings with the certificate of Probate be recorded and filed with the record of this court; whereupon Jacob Newton Haushan and J. C. Hallyburton two of the Executors named in said last Will and Testament duly qualified as such by taking and subscribing the necessary oath of Office according to law and letters testamentary upon said estate is issued to said Executors.

Sworn to and in open Court before me at Office in Morganton this 22nd of Dec'r A.D. 1868.

X R Dunn

Judge of Probate

Burke Co. NC Wills 1793-1868
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said Executors.

Sworn to and in open Court before me at office
in Morganton this 22nd of Dec 1868

X X ~~Poon~~

~~Judge of Probate~~

A true copy
F. D. Irvin
Probate Judge
August 8th 1871.

F D Irvin
Probate Judge

Burke Co. NC Wills 1793-1868
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Copy of Letters Test
of J. N. & S. L. Harshaw
and J. C. Halyburton

Burke County:—In the Probate Court.

State of North Carolina,

To All Whom these Presents shall Come, Greeting :

It being satisfactorily proven to the Undersigned, *Judge of Probate for* Burke — *County, that* Jacob Harshaw *late of said County, is dead, having made* a *last* Will *and* Testament, *which has been admitted to probate, (a true copy whereof is hereunto annexed and* J. N. Harshaw, L. L. Harshaw & L. C. Haly burton *the Executors named therein, having qualified as such according to law :*

Now, these are therefore to empower *the said Executors, to enter in and upon all and singular the goods and chattels, rights and credits of the said deceased, and the same to take into possession, wheresoever to be found, and all the just debts of the said deceased to pay and satisfy, and the residue of said estate to distribute according to the directions of said Will.*

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

WITNESS, my hand and the seal of said Court, this 22nd *day of* Dec — , 1868.

F. D. Lewis,

Probate Judge.

§477.—Every executor, administrator, collector and guardian shall, within three months after his qualification or appointment, make return on oath to the Judge of Probate, of all the estate in his hands or received by him up to that time : but such time may be extended by the Probate Judge, on good cause shown, not exceeding six months

§478.—Every executor, administrator, collector and guardian shall, within twelve months from date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file in the office of the Judge of Probate, an inventory and account, under oath, of the amount of property received by him, or invested by him and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers, which must be filed with the Judge of Probate, for all payments. The Judge of Probate may examine on oath, such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate ; and, having carefully revised and audited such account, if he approve the same, he must endorse his approval thereon, which shall be deemed *prima facie* evidence of correctness.—*Code of Civil Procedure, Sections* 477, 478.

State of North Carolina } Court of Probate
Burke County } December 22nd 1868

I We J C Hallyburton and J N Vaughan do swear that we believe that this paper writing now admitted to probate to be the last will and testament of Sarah Vaughan deceased and that we will well and truly execute the same by first paying his debts and then his legacies as far as the said estate shall extend or the law shall charge us; and that we will well and faithfully execute the office of Executor and will faithfully and honestly discharge the duties of this trust agreeable to the trust and confidence reposed in us to the best and according to law, so help me God

J C Hallyburton
J N Vaughan

Sworn to in Open Court
before me at Office
This 22nd Dec 1868

F. D. Erwin Judge of Probate
for Burke County

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

State of North Carolina } Court of Probate
Burke County } Jany 26th A.D. 1869.

I S. S. Harshaw do swear that I believe that this paper writing which has heretofore been admitted to Probate to be the last will and testament of Jacob Harshaw dec'd. and that I will, well and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend or the law shall charge me ~~with~~ and that I will well and faithfully & honestly discharge the duties of my trust as Executor, agreeable to the trust and confidence reposed in me, and according to law, so help me God

S S Harshaw

Sworn to in open Court before me
at Office this 26th Jany 1869.
F. D. Erwin, Judge of Probate

115

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

State of North Carolina, Burke County.

Know all Men by these Presents, That we, Sidney S Hanhan

I N Hanhan. W F M Upon A C Avery [illegible]

are held and firmly bound unto the **State of North Carolina**, in the sum of Fifty

Thousand Dollars Dollars, current money, to be paid to the said State of North Carolina; to the which payment well and truly to be made, we bind Ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the 24th *day of* January 1867.

The Condition of the above Obligation is such, That if the above bounden Sidney S. Hanhan has qualified as Executor of Jacob Hanhan Administra of all and singular the Goods and Chattels, Rights and Credits of Jacob Hanhan, deceased, do make or cause to be made, a true and perfect inventory of all and singular the goods and chattels, rights and credits of the deceased, which have or may come to the hands, knowledge or possession of the said Sidney S Hanhan or into the hands or possession of any person or persons for him, and the same so made, do exhibit, or cause to be exhibited in County Court, within the time prescribed by law, after the date of these presents; and the same goods, chattels and credits, and all other the goods, chattels and credits of the deceased, at the time of his death, or which at any time hereafter shall come into the hands or possession of the said Sidney S Hanhan or into the hands or possession of any other person or persons for him do well and truly administer according to law: And further, do make, or cause to be made, a true and just account of his said administration, agreeably to law, after the date of these presents; and all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrat of the said Sidney S Hanhan Estate as Executor account, (the same being first allowed by the Court,) shall deliver and pay unto such person or persons, respectively, as the same shall become due, pursuant to the true intent and meaning of the Act in that case made and provided—~~And if it shall appear that any Will or Testament was made by the deceased, and the Executor or Executors therein named do~~ exhibit the same in Court, making request to have it allowed and approved of accordingly, if the said Sidney S Hanhan above bounden, being thereunto required, do render and deliver the said Letters of Administration, (approbation of such Testament being first had and made in the said Court,) then this Obligation to be void; otherwise to remain in full force and virtue.

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Signed, sealed and acknowledged in the presence of,

F. D. Lavin Judge of Probate

S S Hanhan [Seal.]

A. C. Avery [Seal.]

J N Yarborough [Seal.]

W F McPherson [Seal.]

"Watchman" Press, Salisbury.

State of North Carolina } Court of Probate
Burke County } December 22nd 1868

This day personally appeared in open Court William S. Sudderth one of the subscribing witnesses to two paper writings, purporting to be the last will and testament of Jacob Harshaw dec'd. and on oath saith that he was present when the said Jacob Harshaw executed both of said paper writings, the first purporting to be the last will and testament was signed by Jacob Harshaw in the presence of himself, Geo A Folk & C.A Celly and pronounced to be his last will and testament and himself, Geo A Folk & C.A Celly at the request of Jacob Harshaw, signed the same as witnesses in the presence of Jacob [illegible] And the other paper writing annexed thereto, purporting to be a codicil thereto, was signed by Jacob Harshaw, on the day it bears date, and the presence of himself and Geo A Folk and pronounced to be a codicil to and a part of his said last will & testament, and himself and Geo A Folk, at the request of Jacob Harshaw, signed the same as witness in the presence of said Harshaw and in the presence of each other. And that he believes that Jacob Harshaw at the time of executing the said last will & testament and at the time of executing the said Codicil thereto, was of sound and disposing mind & memory, and fully understood what he was doing

Wm. S. Sudderth

Sworn to in open Court
before me at Office
This 22nd day of Dec. 1868

F. L. Erwin
Judge of Probate

Burke Co. NC Wills 1793-1868
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STATE OF GEORGIA.

Aug 2. 1877

By His Excellency, Alfred H Colquitt

GOVERNOR AND COMMANDER-IN-CHIEF OF THE ARMY AND NAVY OF THIS STATE AND OF THE MILITIA THEREOF.

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETING:

Know Ye, That Joshua Anderson whose official signature appears to the instrument of writing hereto annexed, was at the time of affixing the same thereto the Ordinary of Union County in this State

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

as appears from the Records of this Department, and that his attestation is in due form. Therefore, all due faith, credit and authority is and ought to be had and given to his attestation as such.

Given under my hand and the Great Seal of the State, at the Capitol in Atlanta, this the Second day of May in the year of our Lord One Thousand Eight Hundred and Seventy-Seven and of the Independence of the United States of America the One Hundred and First

Governor.

Received $2.

By the Governor:

N. C. Barnett
Secretary of State.

EXECUTIVE DEPARTMENT,

Atlanta, Ga., May 2 1877

For entering, received 50 Cents.

J W Avery
Secretary Executive Department.

118

Office Union County
Court of Ordinary
Blairsville Georgia
16th day of March 1877

Georgia
Union County } To the Court of Ordinary
of said county. The petition of C. J. Wellborn showeth That on the Thirtieth day of September 1876, S. S. Horsehad of said County departed this life owner of a valuable real and personal estate; prior to this time he made his last will, appointing therein your petitioner as one of his Executors, which accompanies this petition and which your petitioner alledges is legally executed and is the last will of Sidney S. Horsehad and prays probate of the same in solemn form; the next of kin of the testator your petitioner alledges to be, his wife. Salinda Horsehad, his daughters Barbary Ann Colwell and Elizabeth Horsehad, Sarah C Horsehad, Ellen Horsehad, Lore Horsehad, Mary Horsehad, minor children of testator and he prays that the usual citation issue to them requiring their attendance upon the probate of said will at the December Term 1876 of the Court of Ordinary of said County. 19 Nov 1876
C. J. Wellborn. Propounder

Burke Co. NC Wills 1793-1868
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It is ordered by the Court that J. L. Colwell be and he is hereby appointed Guardian ad Litem of Elizabeth Horshaw Sarah C Horshaw, Ellen Horshaw, Lane Horshaw, Mary Horshaw and Sophronia A Horshaw, minor heirs of S. S. Horshaw and that as such Guardian he be notified as required by law of the motion to probate the last will of said S. S. Horshaw decd This 20th Nov. 1876.

Joshua Anderson

Ordinary

We acknowledge due and legal service of the petition and motion to probate the last will of S. S. Horshaw, and waive all further and formal notice. This 21 Nov. 1876

B A. Colwell

Salinda Horshaw

J. L. Colwell. Guardian

ad Litem for minor children

of S S Horshaw

Burke Co. NC Wills 1793-1868
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Salinda Horshaw
J. L. Colwell. Guardian
Ad Litem for minor children
of S. S. Horshaw

Union Court of Ordinary December
Term 1876.

It being shown to the
Court in the matter of the last will of
S. S. Horshaw deceased, propounded by
L. L. Wellborn named as one of the Executors

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

that the next of kin have all been cited and regularly made parties, that due notice of the intention of the propounder to proceed with the proof at this term of the Court has been given to the next of kin to wit Salinda Horsham, Barbary Ann Colwell and J. L. Colwell, Guardian ad litem &c that the said will has been fully proven to be the last will and testament of S. S. Horsham as alledged by the propounders by the witnesses thereto, who have been examined orally in open Court and besides made the usual affidavit of Execution endorsed ~~the~~ said will — It is ordered by the Court that said will be established as the last will and testament of the said S S. Horsham, that the same be admitted to record and that the Executors named therein have leave to qualify and that upon so doing letters testamentary issue.

Joshua Anderson
Ordinary

Burke Co. NC Wills 1793-1868
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Last will of S. S. Horsham

State of Georgia } In the name of God Amen
Union County } I Sidney S. Horsham, knowing the uncertainty of life and the certainty of death and being of sound and disposing

mind and memory, do make and publish this my last will and testament hereby revoking all wills heretofore made by me.
Item First

I will that after my death my body shall be burried in a decent and Christian like manner, and my Soul I trust shall return to God who gave it, as I trust for salvation, through the atoning merits of our Lord and Savior Jesus Christ.
Item Second

I will and direct That all of my just debts be paid by my Executors hereinafter appointed.
Item Third

I hereby give and bequeath unto my beloved wife Salinda Horsehard, all of my property of every kind in the State of Georgia including money, debts, lands and all other

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

of my just debts be paid by my Executors hereinafter appointed.

Item Third

I hereby give and bequeath unto my beloved wife Salinda Horsehard, all of my property of every kind in the State of Georgia including money, debts, lands and all other effects, to be freely used by her for the support and maintainance of herself and children the same to be fully at her command and under her controll during her natural life or widowhood and at her death or intermarriage, all remaining effects to be equally divided amongst my beloved

Burke Co. NC Wills 1793-1868
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my property of every kind & the state of Georgia
including money, debts, lands and all other
effects, to be freely used by her for the support
and maintainance of herself and children
the same to be fully at her command and under
her controll during her natural life or widow-
hood and at her death or intermarriage, all remaining
effects to be equally divided amongst my beloved
children Barbary Adaline Caldwell, Elizabeth Georgiana
Sarah Cleopatra Horsham, Ellen Horsham, Lou Horsham, Mary Hors-
ham and Sophronia Augustine Horsham.

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Item Fourth

I will and bequeath all of my property of every kind and description in the State of North Carolina belonging to me in my own right or inherited by me from my deceased father Jacob Horshaw of Burke County North Carolina including lands monies debts and effects of every kind or description, to my seven children named in the third item of this will, to be equally divided amongst them share and share alike.

Item Fifth

I will and direct That my Executors hereinafter appointed have power to sell and dispose of my real estate in North Carolina either at public or private sale as they may deem best and to reinvest the proceeds of the same in other real estate in Georgia, for the benefit of my seven daughters named in the third item of this will or to distribute the proceeds of such sale amongst them share and share alike as provided in the fourth item of this will.

Burke Co. NC Wills 1793-1868
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Item Sixth

I hereby constitute and appoint C. J. Wellborn of Union County Georgia and Julius H. Huffman of Burke County North Carolina Executors of this my last will and Testament.

Item Seventh.

I hereby will and direct That my

Executors or either of them that may qualify be exempt from the duty of making annual returns to the Court of Ordinary in Union County until they be ready to distribute my estate under the terms of this will, when they shall make a final return showing all of their transactions.

Item Eighth

I hereby will and direct that out of the money, property and effects bequeathed to my wife under the third item of this will, Two hundred dollars be set aside to defray the expenses of the Executorship or so much thereof as may be necessary.

In testimony whereof I Sidney S Horshaud, testator as aforesaid have hereunto set my hand This 13th day of September 1876

S. S. Horshaud (Seal)

Signed, published and declared by Sidney S. Horshaud as his last will and testament in our

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

shall. testator as aforesaid have hereunto set
my hand This 13th day of September 1876

S. S. Horshaw (Seal)

Signed, published and declared by Sidney S.
Horshaw as his last will and testament in our
presence and signed by us in his presence by
his request and in presence of each other
This 13th Sept 1876.

E. D. Rogers
William Daniel
J W Self
J. T. Plott

Burke Co. NC Wills 1793-1868
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Georgia } Came into open Court E D Rogers
Union County } William Daniel, J M Self and J. T.
Plott, at this regular Term of the Court and being
duly sworn depose and say That they saw S. S.
Horshaw sign and publish the within as his
last will and testament while of sound and
disposing mind and that they witnessed
the same for him at his request and in his presence
and in presence of each other, and that the same
was executed voluntarily by him on the day
it purports to have been executed

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

E D Rogers
J. T. Plott
J M Self
William Daniel

Sworn to & subscribed before me
in open Court this 4th day of Dec. 1876

Joshua Anderson, Ordinary &c

Georgia } I do solemnly swear that this
Union County } writing contains the true last
will of the within named S. S. Horshaw deceased
so far as I know or believe and that I will well &
truly Execute the same in accordance with the
laws of this state — So help me God.

C. L. Wellborn

Sworn to in presence of
Joshua Anderson, Ordy &c.

Letters Testamentary

Georgia } By Joshua Anderson Ordi-
Union County } nary of said County -

Know all whom it may concern that on the first monday in December 1876, the last will and Testament of S. S. Horsham deceased, at the time of his death a resident of said County, was legally proved at the regular Term of the Court of Ordinary, at which time an order was taken to allow the Executors therein named to qualify and that letters testamentary do issue - Now therefore C. J. Wellborn one of the Executors in said will named (the other not appearing) having taken the oath of office and having complied with all necessary prerequisites of the law, said C. J. Wellborn is legally authorized to discharge all the duties of an Executor on the will of S. S. Horsham deceased, to adm-

Burke Co. NC Wills 1793-1868
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having taken the oath of office and
complied with all necessary prerequisites
of the law, said C. J. Wellborn is legally author-
ized to discharge all the duties of an Executor
on the will of S. S. Horshaw deceased, to admin-
ister the property of deceased which is
devised, according to the will, and the
law of the land.

Given under my hand
and official Seal This 4th Decem-
ber 1876.

Joshua Anderson
Ordinary and

Seal

Burke Co. NC Wills 1793-1868
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Law of the Land.

Given under my hand
and official Seal This 4th Decem
-ber 1876.

Seal

Joshua Anderson
Ordinary and
Ex officio Clk Court Ordy

Burke Co. NC Wills 1793-1868
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Ordinaries office
Union County
Georgia

I Joshua Anderson Ordinary and Exoffic
Clerk Court of Ordinary in and for said Coun
of Union do hereby certify that the
foregoing eight pages are a true
exemplification of the record of file
in this office in the matter of the last
will and testament of S. S. Horshaw
late of said county deceased including
a true copy of said last will and the
letters testamentary issued thereon.

Given under my hand
and seal of office at
Blairsville in said county
and State This 28 March 18

Joshua Anderson Ordinar
& Exofficio Clk Court

Burke Co. NC Wills 1793-1868
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Georgia
Union County } I do hereby certify that
the foregoing certificate and attestation
is in due form, according to the laws of the
state

Joshua Anderson
Judge Court Ordinary
Union County

Ordinaries office
Union County
Georgia

I Joshua Anderson Ordinary and Exoffic
Clerk Court of Ordinary in and for said Coun
of Union do hereby certify that the
foregoing eight pages are a true
exemplification of the record of file
in this office in the matter of the last
will and testament of S. S. Horshaw
late of said county deceased including
a true copy of said last will and the
letters testamentary issued thereon.

Given under my hand
and seal of office at
Blairsville in said county
and State This 28 March 18

Joshua Anderson Ordinar
& Exofficio Clk Court

Burke Co. NC Wills 1793-1868
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Georgia
Union County } I do hereby certify that
the foregoing certificate and attestation
is in due form, according to the laws of the
state

Joshua Anderson
Judge Court Ordinary
Union County

State of Georgia

I, Secretary of State of the State of Georgia, do hereby Certify, the foregoing attestation of an exemplification of the Will and Probate & Grant of L. L. Hardaway and Letters Testamentary &c in due form and by the proper officer, Joshua Anderson Ordinary and ex-officio Clerk Court Ordinary of Union County, Georgia.

In witness whereof I have hereunto set my hand and caused to be affixed the great Seal of the said State of Georgia, this the day of 1877.

State of North Carolina } Before D. C. Pearson
Burke County } Judge of Probate

It appearing to the Court, that the

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

141

State of North Carolina } Before D. C. Pearson
Burke County } Judge of Probate

It appearing to the Court, that the foregoing Will and Testament of L. L. Harshaw is executed according to the laws of the State of North Carolina and that the exemplification is properly authenticated, It is ordered and adjudged, That the said Will has been duly proven and that it be recorded.

May 9th 1877 D. C. Pearson
Judge of Probate

Filed
Harshaw
Exec &c
Bond
141 to 148
May 9th 1877

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

Will of
S. Hanshaw -

Registered in
Will Book 6
Pages 141 to 148

Recorded May 7th 1877

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

and, it is ordered and
decreed that the said Hall have
and recover of the said Hanshaw
the sum of $ 1877 Dollars
Costs of Suit
duly executed
Geo. Erwin Clk
May 7th