

W. S. Gaither
A. J. Fleming
J. L. Copuring

John Conley Seal

John Conley's Will
Recorded in the Book of Will
Pages 44-45-46+47-

To

Mr. Sidney Conley

to the beginning, to her & her heirs forever Also I give &
bequeath to Louisa my worthy daughter one bureau six chairs
one Clock two tables three beds, one Chest, also one half of all
the contents of the Cup board & one half of the Cupboard. also
one half of all the Cooking utensils. also two Cows, Horses
one sheep, one of the best mules. Also one third of all the
wheat and Corn, one old mare & much, & two Horse waggon
(Wheel & saddle)

I give and bequeath to my son, Joseph
Cousins Ambrose Conly Albert Conly Charles Conly and
my daughter Polly M. Elvath the heirs of Myra Brown &
James Brown Matilda Scott Christiana Polly and Eliza
Polly Sophrona Gibbs all the balance & remainder of my
property both real and personal to be equally divided
between them. I desire that my books shall remain at
the Manor House given to Sidney Conly for the use of the Children
I appoint my son Sidney Conly my sole Executor and
authorize him to sell all the remainder of my Estate both real
and personal & divide the proceeds as above stated.

In Testimony whereof I have hereunto set my hand
& seal & delivered in this 15th day of March 1867

Signature of
J. P. Scott
James Elvath

Joseph Conly

givers in my will. my & two horse wagon & do
I wish to change that gift. and do now revoke the same and do
give said wagon, & thrashing machine & wind mill to my son
Sidney Leary. 2^d In my will I have given all my real estate & other
property to my children & grand children, by the last & residuary
clause in the same, which had not been previously given to Sidney
& Lavinia and directed it to be divided between them by name
I wish to revoke the said devise, as to the land & real estate. and do
hereby do so. and do give and devise to my son Sidney Leary, all
my lands and real estate included in said residuary clause and which
is not devised to himself or to Lavinia in my will, to have and
to hold the same in special trust and confidence for the use
and benefit of Sidney Potts, son of my daughter Eliza & Mary
Morrow daughters of my daughter Maria and their heirs forever
and in my will and devise I do direct. that the said trust
two... shall rent out the said lands annually & pay the proceeds
annually to the said Sidney Potts & Mary Morrow until Sidney Potts
arrives at the full age of twenty one years, and then to over-
see the same to the said Sidney Potts and Mary Morrow and their
heirs in fee simple. In testimony whereof I have
hereunto set my hand & seal. & published the same
in the county of Wake & State of North Carolina. This 8th

arrives at the full age of twenty one years, and then to leave
my the same to the said Mary Potts and Mary Mamm and this
his is for simple. In testimony whereof I have
hereunto set my hand & seal. & published the same
as a part of my last will & testament, This 8th
day of August 1867

In presence of
B. S. Gaither

A. J. Fleming

John Conely Seal

Recorded in the book of Wills
Pages 44-45-46 & 47

Mr. Sidney Conely

Ed. Copuring

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John Conley's Will
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To

Mr. Sidney Conley

B. S. Gaither & D. J. Coppening,

Two of the subscribing
witnesses to a certain paper writing purporting to be
Codicil to the last Will and Testament of John
Conly endorsed on the back of said Will dated
the 8th day of August 1867, depose and sayeth
that they saw the said John Conly sign and
seal the said paper writing in ^{their} ~~one~~ presence
declaring the same to be a Codicil to and
a part of his last Will and Testament and
requested us to witness the same which we
done in the presence of the said John Conly
and in the presence of each other and
we believe that the said John Conly
was at the time of sound disposing mind
and memory.

Sworn to and subscribed
before me at Office
this 21st day of November
AD 1868.

F. D. Irwin
Judge of Probate

B. S. Gaither
D. J. Coppening

State of North Carolina } Court of Probate.
Rutherford County }

This day personally appeared before me in open Court James Avery one of the Subscribing Witnesses to a Certain paper writing purporting to be the last Will and Testament of John Conly dated the 15th of March 1867, who deposes and saith that the said John Conly signed and sealed said paper writing in his presence and in the presence of the other subscribing witness Ambrose P. Scott and requested them to witness the same declaring at the time it to be his last Will and Testament and that he the witness together with Ambrose P. Scott the other subscribing witness thereto witnessed the said paper writing by signing their names as witnesses in the presence of the said John Conly and in the presence of each other.

That he the affiant wrote the will at the request of the said John Conly he being present dictating the same and every part thereof and from a long and intimate acquaintance with the said John Conly he being a near neighbour for many years I have no hesitation in saying that at the time of the execution of said paper writing he was of sound and disposing mind and memory and understood

In the name of God amen I John Connolly of the County of Burke and State of North Carolina, do make and publish this my last will and Testament, revoking & making void all others heretofore made.

In the first place I give my soul to Almighty God who gave it, and my body to the Earth to be buried in a plain, decent Christian manner, with American marble Grave Stones to the Glory, All of which my Executors are directed to pay out of the first money which may come into their hands. And I further will and request that the same kind of Marble as above be got and put to the Grave of my much respected, and dear departed wife Elizabeth Connolly with suitable inscriptions to both.

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

Thirdly I give & bequeath to my son Sidney a Tract of land lying on Linville River beginning on the bank of the River running with the fence to the road leading from my House to Big Bill Connollys, running up the ridge with Robert Kincaids line to the Buckfield line then runs North to the Ridge Road, then with the road to a Post Oak and pine which is Robert Kincaids Corner. Thence East to a black Oak Mrs Dickson, Corner thence East with Mrs Dicksons line, crossing the Linville River to the foot of the Hills thence down with the fence to the Kerly branch. Thence running up the Branch with the fence thence to the road from Shidoch Church. Running with S. Road in the direction of Shiloh to a Cross fence, thence East to a corner in Isaac Thoms line.

are fifty six poles to Gile; line them with S. line to a Stake
in Corner. Thence South East with Gile's line to two large
oaks crossing the branch. Thence up a small branch to
own line, Thence South to my own corner a post Oak, thence
76 Poles to D. J. Corpenings corner near the bank of
then West to the Birchfield line, then South to
Birchfield's line to a stake, then West crossing the River
up said River by the meander of the same to the begin-
ing. to the said Sidney Connolly this I give forever.

I give & bequeath to the aforesaid Sidney Connolly two Cow
four horse waggon & gear Blacksmith Tools one
Cutler one side board 1 Table one half of a Cupboard
Contents also one half of the kitchen furniture & cooking
utensils, one large Kettle, and one side & one hand saw also
thirds of all the Corn & Wheat. Three beds & furniture of
the hogs all the Chain, except six given to Louisa
all the Oats rough food of all kinds 1 mule, all the
wheat & Corn 1 Buggy & harness. One log Chain.

I give and bequeath to my Daughter Louisa one
of Land known as the Kerly & Birchfield tract
running on a branch at its mouth where it empties into the
river, running up the river with the fence to Mr. Dickson
to the foot of the hill thence East to Mr. Leckers
then West with Mr. Dickson's line to the road
leading to Mr. Kifers mill then running with the S. road to
old Kerly road, thence down the same in the direction of
Houses including the Orchard to the Spring, then running
the ridge to the Cross fence to the road, then down the road

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To

W. Sidney Conley

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bequeath to Laura my worthy daughter one bureau six chairs
one Clock two tables three beds one Chest, also one half of all
the contents of the Cup board & one half of the Cupboard. also
one half of all the Cooking utensils. also two Cow & Hides
one Sheep, one of the best mules. Also one third of all the
wheat and Corn, one old mare & one horse, two Horse waggons
(wheels & saddle)

I give and bequeath to my son Joseph
Cousins Ambrose Only Albert Only Charles Only and
my daughter Polly M. Chatham the heirs of Myra Brown &
James Brown Matilda Scott Christian Potts and Eliza
Potts Sophrona Gibbs all the balance & remainder of my
property both real and personal to be equally divided
between them. I desire that my books shall remain at
the Manor House given to Sidney Only for the use of the Children
I appoint my son Sidney Only my sole Executor and
authorize him to sell all the remainder of my Estate both real
and personal & divide the proceeds as above stated.

In Testimony whereof I have hereunto set my hand
& Seal & delivered in This 15th day of March 1867

Witness of
J. G. Scott
James Channing

Joseph Only

givers in my will. my & two horse wagon & do
I wish to change that gift. and do now revoke the same and do
give said wagon, & thrashing machine & wind mill to my son
Sidney Leach. 2^d In my will I have given all my real estate & other
property to my children & grand children, by the last & residuary
clause in the same, which had not been previously given to Sidney
& Lavinia and directed it to be divided between them by name
I wish to revoke the said devise, as to the land & real estate. and do
hereby do so. and do give and devise to my son Sidney Leach, all
my land and real estate included in said residuary clause and which
is not devised to himself or to Lavinia in my will, to have and
to hold the same in special trust and confidence for the use
and benefit of Sidney Potts, son of my daughter Eliza & Mary
Morrow daughters of my daughter Maria and their heirs forever
and in my will and devise I do direct. that the said trust
two... shall rent out the said lands annually & pay the proceeds
annually to the said Sidney Potts & Mary Morrow until Sidney Potts
arrives at the full age of twenty one years, and then to over-
see the same to the said Sidney Potts and Mary Morrow and their
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arrives at the full age of twenty one years, and then to leave
my the same to the said Mary Potts and Mary Mamm and this
his is for simple. In testimony whereof I have
hereunto set my hand & seal. & published the same
as a part of my last will & testament, This 8th
day of August 1867

In presence of

B. S. Gaither

A. J. Fleming

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To

Mr. Sidney Conely