132 July Session 1862

In the name of God Amen I Daniel Simmons of the County of Catawba and State of North Carolina being of sound & perfect mind & memory Blessed be God, do this Twenty fifth day of February in the year of our Lord one thousand eight hundred and sixty eight make & publish this my last will & Testament in manner & form following that is to say

Item I give & bequeath the my soul to God and my Body decently to be Buried by my hereinafter named Executor

Item 1st I will who commence on my worldly concerns I give and bequeath unto my beloved wife during of the house where I now live following her natural life time or widowhood in my name also three Beds & the clothes the Keeper & its furniture one cooking Pot one Dutch oven one skillet two chairs her choice one side saddle one spinning wheel & cards one Loom & gears also one Cow & Calf her choice also five head of hogs her choice two head of sheep her choice, it is my will that all the above named property shall be under the control of my said wife during her life time or widowhood and after her death or widowhood it is my will that said property shall be by my hereinafter named Executor and Sisters Children my heirs as hereafter directed

Item Second I give bequeath and devise unto my son Noah Simmons one one half of land situate in the County of Catawba State of North Carolina and on North fork of Lyles Creek adjoining my home tract thence with Alfred Huffmans land thence with Pulsifer thence the Smith lands now owned by the said Noah to the Beginning supposed to contain One hundred and sixty acres more or less with together the appurtenances thereto to the said Noah Simmons and his heirs forever.

Item Third I also give bequeath and devise unto my son Elijah Simmons my home tract when I now live joining the above Peter Wagner Peter Deaux & Alfred Huffman supposed to contain one hundred & sixty acres with the appurtenances and premises thereto to the said Elijah Simmons his heirs forever now in case if I & my wife Sally should get off & infirm or should get in want or need I reserve out of the lands of said Noah & Elijah that we shall be main tained a decent support by the said Noah & Elijah equally between my two sons namely Noah & Elijah. I also give & bequeath unto my son Elijah one horse beast to the worth Forty Dollars out of my estate at my decease or when the said Elijah becomes to be of the age of twenty one years

Item Fourth I give unto my daughter Malinda Huffman her decease Beds house & kitchen furniture and stock valued at fifty Dollars I also give unto my daughter Selina Chase the same as to Malinda valued at fifty Dollars I also give to my daughter Caty Herman the same as the two above valued at fifty Dollars

Continued

Item Fifth I give and bequeath unto my daughter Cynda the same as to my other three daughters valued at the same Provided in case Cynda shall not receive her portion of Goods as the other three daughters in my life time is my will that my executor shall pay first out of my estate to the said Cynda Forty Dollars to be equal with my other three daughters

Item Sixth it is my will that the residue of my personal estate that is not already willed shall be sold at public sale after my decease by my executor & the proceeds thereof to be divided between my legal heirs

Item Seventh I hereby make and ordain my beloved son Noah Simmons Executor of this my last will & Testament in witness whereof I the said Daniel Simmons have to this my last will & Testament set my hand and seal the day and year above written

Daniel his mark Simmons (Seal)

Signed sealed published and declared by the said Daniel Simmons the Testator as his last will & Testament in the presence of us who were present at the time of signing and sealing thereof

C H Herman
Wm Herman

133 State of North Carolina
Catawba County

Aware of the uncertainty of life and the certainty of death I make this my last will & testament

I bequeath to my wife Mary Angeline Best all my Real & personal property of every description subject only to the conditions following Viz: all of my personal property notes & accounts she shall pay of all my debts and if these shall not be enough with these & such other personal property as she wishes to sell to pay all my debts then she may sell any of my real estate that she prefers until she has sufficient and to pay all my debts.

All the remainder of my property she shall have the entire use & benefit of during her life. At her death it shall be equally divided between my heirs

Signed sealed and delivered in the presence of this June twenty fourth AD 1861

Witness
C M Rudisill
Geo Setzer

W. R. N. Best (seal)