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The last will and testament of John D. Toomer of
the County of Chatham and State of North Carolina
In the name of God Amen.

I John D. Toomer of the county and state aforesaid,
do hereby make, publish and declare this to be my last
will and testament (hereby revoking all wills heretofore
by me made) as follows, that is to say:
1st I hereby give and devise all my land and
negroes and every species of estate real, personal
and mixed in the State of Georgia to my sons
John, Henry, Duncan and Frederick and to my
daughter Lucy to them and heirs and assigns
forever to be equally divided between my said
sons and daughter share and share alike
I direct and devise that all of the said property
and estate shall be held and managed by my
sons Henry and John or the survivor until the 1st
day of January 1870 when it shall be equally divided
between my said sons and my said daughter Lucy
and in the meantime the annual proceeds and profits
of all said property shall be equally divided between
my said sons & daughter Lucy their heirs and assigns
Provided however that should any of the creditors of
my son Duncan endeavor by any means whatever
to unjustly take the property or any part of it to the pay-
ment of any debt or debts due by my said son
now or hereafter due I hereby for the benefit of
my said son Duncan I give and devise the same to
my other sons Henry John, Frederick and my daughter
Lucy and all right title and interest of my said son
Duncan shall be forfeited to and become the property
of my said sons and my said daughter Lucy in the
event of any such attempt of my said son's creditors
Provided further that in the event of continued acts of
insolvency of my son Duncan after the year 1860 then
the share of the said property given to him or for his
benefit shall be forfeited to and become the property of
my other sons & my daughter Lucy I give and devise
the share of said estate herein given to my daughter
Lucy to her sole & exclusive use and shall not in any
manner be subject to any debts, contracts and
obligations of her husband.

Whereas a negro boy named Oliver brought from
the State of Georgia by my son Henry is now
here I hereby direct and devise that said boy
be considered part and parcel of my said
Georgia Estate and shall be subject to the
same limitations and divisions as herein before
expressed with reference to my said Georgia
estate I abandon all claims to the ~~the~~ tract
of land in the State of Georgia to my son
Henry the sole title of which is now in him
he having heretofore proposed to me to become
interested in it which I have declined
I abandon all claims to my son Duncan
for any money heretofore advanced for him
to my daughter Eliza Hill I abandon all
claim to negro woman Dolly and her issue and
all future increase. Wherein in the purchase of a
tract of land in the State of Georgia called
the Flat Creek place of Mr. Thomas Hill I gave
him six thousand dollars for it and considering
the real value to have been four thousand
I hereby charge my daughter Eliza's portion of
my estate with said excess of two thousand dollars
Exclusive of what I have heretofore advanced
Albert Torrence in his lifetime I give his widow
my daughter Sarah Ann a note of five thousand
dollars (\$5000) placed heretofore in the hands of Mr.
Thomas Hill for her benefit and which has been
heretofore loaned out for her, this note and money
I give my said daughter absolutely.
I give my daughter Sarah Ann a mulatto boy called
Sam and in addition thereto I give her five hundred
dollars & after the death of my said daughter Sarah
Ann I give said boy Sam to my grandson Richard
Pearson Torrence said negro Sam being always
been called his in the family and was given by me to
him shortly after his (Sam's) birth by hand
To my five grandchildren the children of Warren
Wigslow and my daughter Mary I give the
boy bought of Mr. Beebe & Salina & all their children and
their future increase should either of my said grand-
children die without leaving issue at the time of his or her
death

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death then the share of him or her dying to
survivor or survivors. To my two grandchildren
Maria and Capely Winslow I give to the former
two thousand dollars and to the latter three
thousand dollars (\$3000)

Should either of my said grandchildren Maria
or Capely die without issue at their death then the
share of the one so dying without issue is to go to
survivor, that is if Maria die without issue the share
given her is to go to Capely & if he die without issue
& she Maria live his share of \$3000 is to go to her

To my son Henry I give the old family Bible
which was the property of his grandfather Thomas
his gold sleeve buttons his ~~lapp~~ portrait in oil
colors and his grandfathers miniature likeness

set in gold. To my son John I give the gold
watch which he now has & which his mother
formerly wore I give the dividends & profits of
four shares of stock in the bank of Cape Fear
and sixteen in the Cape Fear navigation Company

To my son Frederick I also give my said son
old Family Bible given herein to my son Henry

All the lands which I bought in mount misery me
in the County of New Hanover with that which the

late Mr John Swann conveyed in trust for the
benefit of my wife and myself I give to my
son Henry in trust and hereby designate him as

the child entitled to take it under the aforesaid trust
deed executed by this said grandfather and I

wish & direct my son Henry to convey all the
in mount misery tract in fee to Mr Nat M. Hill
& his heirs

Should either of my children die without issue
issue arriving at the time of his or her death then all
the property in Georgia which she or he may

have taken under this will shall go to the wife
or survivors interested in & being joint owners of said
property All my lands in Northham with dispo

of & hereby first to be equally divided

am among all my children share & share alike
 that is to say my children Henry John
 Duncan Frederick Ediza and Catharine &
 Lucy but no portion thereof is to go to my
 daughter Sarah Ann she being otherwise
 provided for I consider a little negro girl
 called Emma which has been in the possession
 of my son Duncan for some time as part
 of my estate and I give all my negroes in
 Leatham to my three daughters Ediza Lucy
 Catharine to be equally divided among them
 share & share alike said negro Sam not being
 included in this last clause he having been
 disposed of in a previous part of this Will
 signed sealed published and declared by the testator as his last will and testament in our presence
 who at his request in his presence
 & in the presence of each other do
 attest the same the erasures on
 the 2 & 3rd pages were made before
 signed by the testator

Attest J. H. Haughton

M. Q. Waddell

H. J. Hill

Jos. A. Hawks

I nominate and appoint Henry Loomis
 and John S. Loomis the Executors to the foregoing
 Will and testament

Signed sealed and published John S. Loomis
 & declared by the testator in the
 presence of us and at his request
 & in the presence of each other the
 day & date above written

Attest M. Q. Waddell

H. J. Hill

J. M. Swanson