

was duly placed in open Court, by the oath of John
Toussaint a subscribing witness.

Then Came in David L. Stewart & Robert
Stewart the creatures appointed in said will and gave up
no bond

(Test)

M. H. Woodburn Clerk

FILE # C686

In the name of God Amen I Joseph C. Lums of the County of
Lynchburg State of North Carolina being of Sound and perfect
Mind & Memory (Witnesseth) that on this eighth day of
June in the Year of our Lord one thousand eight hundred
& thirty four I have made and published this my last will and testament
in the manner following, that is to say,

First, I give & bequeath unto Mr. Grandson Greenville Lamar
& Maria, Esq. Diggins the tract of land on which I now
live containing one hundred & twenty five acres to be divided
equally between them by an east and west line My Daughter
Elizabeth Lamar then to make Choice of the northern or southern
Division for her own use & the residue of the land to be
to be given and the other to go to Maria S. Diggins that part however
that may be chosen for Greenville by the Mother is to remain
in her possession and the profits arising therefrom To go to her
until she and her child die remaining in her present destitute
& desolate situation, But should she connect herself to any
man & live with him as his wife she forfeits the whole of
the bequest bequeathed to her above. Should her husband
James Lamar & heirs deprive her of the benefits of the
above bequest then my bequest is to be divided and the son
Greenville Lamar is to take the entire possession of the land
and out of the profits arising therefrom to give the Mother a
decent support as long as she may think proper to remain
on the land.

Secondly I will to my above named Grandson Greenville Lamar
My Desk & Clock also my big Craggen & Herring and the
Smith tools together with all the Stock of every kind and
Household & Kitchen furniture and all other property of every

Kind that is now in the possession of my Daughter Elizabeth
Lamar to be held to the entire use of my daughter Elizabeth
Lamar during her life.

Now It is my will that my share named Ben and one Brother Bird
And furniture be sold by my executors at their discretion and
the Money arising from such sale put at Interest until my
Grandson Martin & Higgins shall arrive to the age of Twenty
one years and then the Money to be paid over to him. It is
further my will that if my Executors should think it would
advance the Interest of said Martin & Higgins to sell that
part of the land that may fall to his share that they may
make such a sale giving such Credit thereon as in their
discretion they may think best and put the Money arising
from such sale at interest until said Martin & Higgins
shall arrive to the age of Twenty one years and then pay it
over to him. Should my Executors not think it best to sell
the land they are then authorized to rent it to the best
advantage they can with a constant eye to the preservation
of the Soil by proper Cultures and apply the Money arising
therefrom to the use of said Martin & Higgins in whatever
way his Condition in life may most require it. I should
his Education be likely to be neglected. It is my desire
that so much of the Interest of his money be applied
in that way as to secure to him a Common Education.

I further will and Bequeath to my two Grandsons Martin &
Higgins of Greenville Lamar and my Son-in-law David a tract of
land containing thirty eight acres called the goldenrod tract and
assigning my above named tract to be equally divided among
them the land to remain unsold until the said Martin &
Higgins arrive to the age of Twenty one years and any profits
that shall arise from the mine before that time it is to be
equally divided among them. It is further my will that my
Son-in-law David shall have my young Stearhorse
now five years old also my silver watch my Rifle Gun
and my still.

All the residue of my Estate to be sold at publick or private sale

and premises be sold by my executors at their discretion and
the money arising from such sale put at Interest until my
Grandsons Martin & Higgins shall arrive to the age of Twenty
one years and then the money to be paid over to him. It is
further my will that if my Executors should think it would
advantage the Interest of said Martin & Higgins to sell that
part of the land that may fall to his share that they may
make such a sale giving such Credit thereon as in their
discretion they may think best and put the money arising
from such sale at interest until said Martin & Higgins
shall arrive to the age of Twenty one years and then pay it
over to him. I should my Executors not think it best to sell
the land they are then authorized to rent it to the best
advantage they can with a constant eye to the preservation
of the Soil by proper culture and apply the money arising
therefrom to the use of said Martin & Higgins in the
way his Education in life may most require it should
his Education be likely to be neglected it is my desire
that so much of the Interest of his money be applied
in that way as to secure to him a common Education.
I further will and Bequeath to my two Grandsons Martin &
Higgins of Lincoln County and my Grandson David of
Lincoln County thirty eight acres called the goldenrod tract and
assigning my above named tract to be equally divided among
them the land to remain unsold until the said Martin &
Higgins arrive to the age of Twenty one years and any profits
that shall arise from the same before that time to be
equally divided among them. It is further my will that my
Grandson Hardy Davis shall have my young Stearhorse
now five years old also my silver watch my Rattle Gun
and my shill.

All the residue of my Estate to be sold at publick or private sale
at the discretion of my Executors and the residue of the
money after paying all my Just Debts to be equally
Divided among the above named Grandsons and Son in Law
namely Hardy Davis Executors James & Martin & Higgins

486 But should my Grandson Martin J. Higgins not arrive to
the age of twenty one years then it is my will that the
whole of my bequest to him be divided equally between
my Son-in-law Henry Davis and my Grandson Frederick
Lamar -

I hereby make and ordain my Trusty Friends Andrew Diller and
Carroll Wortham my Executors of this my last will
and testament

In witness whereof I the said Joseph Osborn have
hereunto set my hand and seal the day and year
above written

Signed sealed published and ^{15th} Voted by the said Joseph Osborn
Tested by the said Joseph Osborn
In witness whereof I the said Andrew Diller and Carroll Wortham
of our true and lawful friends and Executors of this my last will
and testament

Andrew Diller
Carroll Wortham (seal)

Witness my hand and seal the day and year above written
18th August 1853

The foregoing will was duly proven in open Court
by the oath of Carroll Wortham by Barnabas Cooper Subscribing
Witnesses Thence ordered to be recorded
This came to be open Court the Executors appointed in said
will and qualified as such

W. L. Woodburn C. C. C.