

State of North Carolina

Guilford County

I Peter Summers of the County of Guilford and State of North Carolina do make and publish this my last will and Testament hereby revoking all other wills by me made

Itemst I Give unto my son Jacob Summers and his heirs forever all that tract of Land with its appurtenances whereon he now lives including the Mill and Mill seat on Swan River and the field adjoining the Mill dam. I also give him another tract lying in the County of Orange which was conveyed to Anthony Cable and myself jointly from David Holt. and afterwards from the said Cable to me. Containing One hundred and Seventy five Acres in addition to which I have heretofore given him One hundred and Twenty five Dollars in Cash making in all Three thousand One hundred Dollars I now give to my said son Jacob Summers Three thousand Dollars more

Itemst To my son Ludwick Summers and his heirs forever I give the Mill and Tract of Land on Paddy fork and on which he now lives Containing about One hundred and ninety four Acres the same being made up of three different Tracts To witst One which I purchased of John Brown another of Lewis Morgan and the third of Shadrack Allen I also give him another Tract which I bought of Benj Allen together with One hundred Dollars heretofore given him by me in Cash. I Estimate at Three thousand One hundred Dollars I now give to my son Ludwick Sum

Ultimate at Three thousand one hundred dollars hitherto given him by me in Cash. I
more Two thousand dollars more. I now give to my son Frederick Sum-
mers in the Western District of Tennessee which I purchased of A. J. Murphy
all of which Land I give unto my son Frederick Summers in consequence of
services rendered by him in attending to and the management of my Estate
hitherto and other business and whereas the said land is involved in a suit
at law and the title litigation. Now of the said land shall be finally lost
it is my will and I hereby direct that all the cost which shall accrue
and attend the same shall be paid out of my Estate.
37. To my son John Summers I give the tract of land whereon I now live
with all the buildings and appurtenances thereto belonging it being the
tract I got of my Father together with all my other Lands adjoining
the same and which lays in the County of Guilford being a tract I pur-
chased of Valentine Summers I also give him the tract I purchased of George
Christman a part of which lies in Orange and a part in Guilford. I
likewise give him the tract of land I purchased of Cropper with the
exception of one hundred acres thereof which I reserve for my son
Joshua. The line dividing it commencing at a Stone and Run

North 25 Chains to where it crosses the North town dary line running Thence
to a in the tract which I purchased of Anthony Cable all of which
said Cable land lying West of the above mentioned line I also give
him it being about Seventy Acres These lands together with. Three hundred
Dollars. which I have heretofore given him I Estimate at Three thousand six
hundred and eighty dollars.

I now give to my son Peter Summers four thousand Dollars more
4th I have heretofore given to my son Abel Summers Three thousand one hundred
Dollars which is equal to the portion heretofore given to my other Children
I have also given him One Shill. I now give to my sons Jacob & Ludrick
Summers, and their heirs and assigns, the tract of Land I purchased
of James Lucas on the tratis of Passyfort containing about
acres to have and to hold the said land to them the said Jacob
and Ludrick Summers, their heirs and assigns in Trust: Nevertheless
for the sole and exclusive use of my son Abel Summers' Children
that when they shall become of age at the Years of Twenty one.

It is my will and desire that the said Tract of Land shall be
sold or equally divided between the Children of said Abel Summers
as the said Jacob & Ludrick Summers Trustees may be advised
or think to be the most advantageous for the said Children.

sold or equally divided between the Children of said Abel Summers
as the said Jacob & Ludwick Summers Trustees may be advised
or think to be the most advantage to the said Children. Nevertheless
if and upon Condition the said Abel Summers would entirely forsake
and abandon all habits of Intemperance and dissipation and
should practice again a Regular Temperate & Economical life
that then the Trustee shall permit and suffer the said Abel Summers
to use and enjoy the said Land and from the use thereof to
provide a support and living for himself and family through the
said Trustee Jacob and Ludwick Summers shall and may at any
time resume the Management and Control of the said Land and
deprive the said Abel Summers of the use and management thereof
whenever the Trustee shall be of opinion that the Circumstances
and Condition of the said Abel Summers Children shall require it
and out of the proceeds the said Trustee shall Receive a reason-
able Compensation as Trustee and in Case either of the said
Trustees should not act then it is my will and desire that
the one acting shall receive all the Compensation
I Estimate the Above Sum and till at fifteen hundred dollars

5th I give unto my son Joshua Sumner all the tract of Land that I bought
of Anthony Cable with the exception of about twenty acres which I have
given to my son Peter Sumner it being two hundred and thirty Eight acres
of the Crowder tract which I above mentioned and reserved which together
with seven hundred Dollars heretofore given him in money. Stock & make in
all. Two thousand three hundred and ninety Dollars. I give to my son Joshua
Sumner One negro boy by the name of Ned which is Value at Two hundred
Dollars making with the above amount Two thousand five hundred and
ninety Dollars. I now give to my said son Joshua Sumner Eighteen
hundred Dollars more

6th I give unto my Daughter Barbory I have advanced her in life with twelve
hundred and fifty Dollars in money and in Stock and other things making
for keeping House and likewise two Negroes amounting in all to
Twenty two hundred and fifty Dollars. making her equal to the rest of
my Children. I now give her in addition to what she has already
Received all the Money or Legacy given to me by Anthony Cable of
Rock Castle County Kentucky in his last will and I do hereby
authorize and Empower my said Daughter Barbory to receive the
same from the Executor of Mr Cable to Give receipts

authorities and empower my said Daughter Barbory to receive the said money or legacy from the Executors of Mr. Cable to Give receipts for and to hold the same to her use I give to my Daughter Barbory One Thousand Dollars to be paid to her in such sums as my Executors may think her necessities shall require.

As to my Daughter Rosa wife of Jacob Clapp I give to my son Ludwick Summers his heirs and assigns one Negro Girl named Nancy and the tract of Land conveyed to me by the said Jacob Clapp and which is adjoining the Mill Tract on the Ruddyfork excepting what I have sold thereof to my son Ludwick Summers and containing about one hundred and Acres to have and to hold the said land and Negro Girl Nancy to him the said Ludwick Summers his heirs and assigns in trust nevertheless for the sole and exclusive use of my said Daughter Rosa during her natural life and for her Children that shall be living at the time of her death and under the age of Twenty one years and after the death of my Daughter Rosa and all of her Children shall have arrived at the age of Twenty one years I then give the said land and Negro Girl to her Children to have and to hold the same to them and their own proper use. The land and Negro aforesaid I estimate to be worth Thirteen hundred Dollars which together with other monies

Stock &c that I have heretofore given to her and her husband Jacob
Clapp makes the sum of Twenty three hundred Dollars my son
in law Jacob Clapp having become largely indebted to me for monies
borrowed and which I loaned him at various times and to secure the
payment thereof he on the 26th of May 1821. Conveyed to Ludwick Summ-
ers in trust the tract of Land wherein he now lives containing Three
hundred Acre lying on the waters of Irish Creek in the County of
Sanborn Now of the said Clapp shall at any time during his life
pay the debt and monies due me with the Interest and shall fully
discharge the trust and all the purposes therein mentioned I then
sent the said Ludwick Summers and it is my will and desire
that he convey to the said Clapp all of the said Land and all
of the said Money arising therefrom (let from the payment of
debt as aforesaid and the discharge of the trust and I do hereby
give unto the said Ludwick Summers his heirs and assigns in trust
for the sole use and benefit of my daughter Rosa to be paid to her
in such quantities and manner and at such times as he the said
Ludwick shall think that the situation and necessities of herself &
family may require and that all or so much thereof as shall be

in such quantities and manner and at such times as he the said
Sedwick shall think that the situation and necessities of himself &
family may require and that all or so much thereof as shall be
remaining and unpended at his death to be equally divided among
his children and moreover in the event that the said Clapp shall
fail paying the said debts and in redeeming the Land as aforesaid
it is then my will and desire and I do hereby give unto the said Sedwick
Sumner his heirs and assigns the said Tract of three hundred acres in
trust to and for the sole use and benefit of my daughter Rosa and such
of her Children as shall be minors and under the age of Twenty One Years
for and during their natural life and their minority and likewise
for and during the natural life of the said Jacob Clapp with the
further intention and desire that if and upon condition the said
Clapp would entirely forsake and abandon all habits
of intemperance and dissipation and should practice and
live a regular temperate life that then the said Sumner
Trustee as aforesaid would permit and suffer the said
Clapp to use and enjoy the said property and Land and
from the use thereof to provide a support and living for him-
self and family nevertheless the said Sumner shall

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9th

and may at any time resume the Management and control of the said
lands and property and Dispose said Clapp of the use and management
thereof whenever he shall think fit and be of the opinion that the cir-
- cumstances and Condition of my said Daughter Rosa. and her family
shall require it. and it is also my will that at the death of my said
Daughter Rosa and my son in law Jacob that the said lands be
equally divided between her Children or their Legal Representatives
and that the representatives of each shall be entitled to the share or
shares the their respective parents I now give to my Daughter Rosa and
her Children Thirtie hundred Dollars as follows viz; One hundred Dollars
to be paid to each of her Children upon their becoming married or arriving
at the age of Twenty one years Excepting her son Peter Clapp to whom I
have given herefor One hundred Dollars in Cash

The Residue to remain in the hands of my Executor for the use of my
said Daughter Rosa. and if either or any of her Children should die being
unmarried and without having arrived to the Year of Twenty one then their
respective share or shares to remain in the hands of my executor for the use
and benefit of my Daughter Rosa to be given and applied to her use as they
may think proper and fit and her necessities may require

and benefit of my Daughter Rosa to be given and app-
may think proper and fit and her necessities may require
It is my will and desire that my son Ludwick Sumners shall be
compensated out of the money and land left him as Trustee for his trouble
or services in that part of my estate
8th As to my Daughter Peggy wife of Baelon Gwinger I have hitherto
advanced her in life with money negroes stock &c for living amounting
to Three thousand dollars I now give to my Daughter Peggy wife of Baelon
Gwinger to their children Fifty thousand dollars to be equally divided
between them

9th To my Daughter Lucy wife of David Clapp I have hitherto advanced
her in life with money negroes stock and other things necessary for
living which together with the Legacy she has received from her Grand
father Whitwell I estimate at Twenty thousand four hundred dollars
I now give unto her during her natural life the use of fifteen hundred
dollars and at her death to her children and if she die without having
any child living being on her of her body I then give the said
fifteen hundred dollars to all of my children to be equally
divided among them

10th I leave in the hands of my Executors fifty dollars to be laid out from time to time for the purpose of keeping in decent repair the grave of my Family I also leave a sufficient sum in the hands of my Executors for the purpose of erecting a tomb over myself as a memorial to my Children

11th As to the residue of my estate of every description whatsoever whether real or personal I desire to be sold at public sale at such time and place and upon such conditions as my executor shall be advised and they shall think proper and fit they being hereby vested with entire discretion in the Management of this part of my estate and it is my will and desire and my executors are hereby empowered to bid for and become the purchasers of any property belonging to and being a part of my estate and which shall be sold at public auction as above mentioned and directed and all income and proceeds arising from the sale and alienations of my property and goods as aforesaid as well as all other monies or property of every description whatsoever and not otherwise disposed of I desire to be equally divided among my Children excepting my son Abel Summers and do hereby give the

shall intend to properly describe in whatever and not otherwise disposed of. I desire to be equally divided among my Children including my son Abel Summers and do hereby give the same as follows. I give in equal share to each of my sons Isaac and Jacob John and William to my son Abel I give five hundred Dollars in cash and no more of my estate.

To my Daughter Barbara and Children I give one equal share to remain in the hands of my executors and to be paid over and given to them when and at such times as my executors shall be advised and think proper and the necessities of my said Daughter Barbara and her family now and shall remain.

To my Daughter Ellen and her Children I give one equal share in the same manner as given above to my Daughter Barbara and her Children and to be paid to them by my executors in the same way and to the same use and purposes.

To my Daughter Peggy I give one equal share during her natural life and after her death to her Children to be equally divided among them.

To my Daughter Lucy I give the use of one equal share for and during her natural life after her death to her Children to be

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equally divided among them and if she are without child or children being
hers of her body I then give the same to all of my other children to be equally
divided among them

13 I do hereby constitute and appoint my two sons Jacob & Frederick Summers
Executors to this my last will and Testament and I do hereby give them the
sum of two hundred dollars more as a Compensation for settling my estate and
doing all other things whatsoever that Executors ought to do in carrying into
effect and in executing the will of a Testator and which is to be in lieu and
satisfactory of all other Compensations and Commissions whatsoever expecting
extraordinary services or expenses which shall accrue on business, out of the
State or at a distance for which they shall Receive a Compensation besides
what is here given and should either one of the said executors fail to act
as such he shall not be entitled to any part of the above Compensation but
the one acting the part of a Faithful executor shall be entitled to the whole
of the above reward of two hundred dollars

In witness whereof I have hereunto set my hand and seal this the 31st day
of January in the year of our Lord one thousand eight hundred and
Thirty seven

Signed Sealed Published and

Peter Summers Seal

doing all other things whatsoever that Executors ought to do in carrying into
effect and in executing the will of a Testator and which is to be in lieu and
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as such he shall not be entitled to any part of the above Compensation but
the one acting the part of a Faithful executor shall be entitled to the whole
of the above reward of ^{Five} hundred dollars

In witness whereof I have hereunto set my hand and seal this the 31st day
of January in the year of our Lord one Thousand eight hundred and
thirty seven

Signed sealed published and
delivered in the presence of us who
have attested the same in his presence

Peter Sommer Seal

J. W. Shout

D. Thomas

L. A. Holman

} Jurant.

File No - 0761

In the name of God Amen. this fourteenth day of March Eighteen Hundred