# William B. Lockhart Will

In the name of God, amen. I William B. Lockhart of Northampton County, State of North Carolina, being of sound and disposing mind do make, ordain and publish this as my last Will and Testament, as follows; that is to say

First. I do the payment of my debts I will and desire that my Executors sell all the surplus crops, Standing, growing or gathered, and the surplus stock of mules, horses, cattle, sheep and hogs; plantation and farming utensils and all other articles and things, except as is hereinafter excepted and disposed of; and also all debts due and owing to me to be applied to the same purpose, and if the fund so raised as above shall prove inadequate for that purpose, then to sell such part of the articles excepted or other as they may think proper, by or with the consent of my wife, so as to leave her a sufficient portion of land for her support, a portion of stock of cattle, horses or mules, hogs and sheep to commence farming and raising stock.

Second. I lend unto my dear wife Sally Lockhart the land and plantation whereon I reside during her widowhood; and I give unto her as much provisions as will serve her for one year in standing corn, wheat or flour, fodder, oats, pork & my carriage and horses, which articles form the exception in the foregoing clause, provided that she no any person claiming in right of her, shall charge my sons Benjamin Franklin Lockhart and Joseph B. Lockhart or either of them with board during their temporary or necessary stay on said plantation with her and as a further exception I refer to in the first clause of this will. It is my desire that my family pictures, clocks, furniture, side board, table and sideboard, and maps and chairs, and such other articles of furniture as my wife may think proper to receive, remain and be kept by her and my executors to the situation of my estate as to be intelligently form a judgment.

Third. I give and bequeath unto said wife, my tract of land called Lee's to her, her heirs and assigns forever; thinking that if she does not wish to cultivate it herself she will permit Joseph B. Bell to do so until his situation in life may become changed, by forming other connexions; and should permit him to continue to keep up and cultivate it on account of and for the benefit of my grandson William Thomas Bell; and also before her death to give to convey the same to my said grandson, or with a promise that, in the event of his death before coming of age or marrying, the said land shall vest in my sons Benjamin Franklin and Joseph B. in the manner of them, their or his heirs and assigns forever. Provided however that the above suggestions be construed as merely directory and not as obligatory or imperative, or in any way to influence her in her free will to make such disposition of the same the may judge proper, or in any way to affect or disparage her fee simple estate in the same.

Fourth. I then entrust Joseph B. Bell until he may form other family connexions the following estate, viz: my first tract of land, the land that of William Bay being a part of the land he purchased of Joseph B. Little, Jr. and Richard and that part of the land he purchased of Robert A. Christian, Jr. and Henry H. Jones which I contracted with him for, that lies on the south side of the cross meadow, joining my first and Jones land, being a strip adjoining the east



end of the said Jones land, and in the event of his not cultivating the Lee land that part of the Christian & Jones land which lies on the north side of the said cross meadow; all the stock of mules, cattle and hogs on the Lee plantation and farming utensils which I permitted him to have the use of, namely William and his wife Fanny and her child Rachel Sterling Lee and wife Fanny and their children that if my wife shall think proper to cultivate the Lee land, she shall have the right of way through and across the above mentioned tract of land by using and building the farther mate for the use of the plantation as at present or which may be made hereafter.

Fifth. In the event of Joseph B. Bell forming other family alliances, I hereby give and bequeath unto said grandson William the land hereby bequeathed to Joseph B. Bell, his heirs and assigns forever, subject to the limitation hereinafter named, the negroes & stock aforesaid, also the following negroes, namely, Anthony and his children Nancy, Margaret and Allen, the whole to remain on the plantation and be held to belong to my said grandson under the control of the said Joseph B. Bell. Provided however that if my said grandson Joseph B. Bell die before coming of the age of twenty one years or marrying then the whole estate hereby bequeathed to him shall cast into my sons Benjamin Franklin and Joseph B. or the survivor of them, to them or him their or his heirs and assigns forever but if the situation of the said Joseph B. Bell shall remain unchanged at the death of my said grandson then it is my will and desire that he cultivate the land with the negroes, or hires, on his own account until his situation may be changed or until my son Benjamin shall become of twenty one years of age, marries or dies, and in the event of his death until my son Joseph comes of age or marries or dies, the survivor, in either case, may occur - and provided further that the land bequeathed to Joseph B. Bell lying on the north side of the cross meadow is not intended in the above bequest, in the event of my wife conveying or bequeathing the Lee land to my said grandson; but in that event I give and bequeath the same to my sons Benjamin & Joseph or to the survivor of them to them or him and their or his heirs and assigns forever, to be used and cultivated as a part of the Lee land.

Sixth. I give and bequeath to my son John James Lockhart my land & plantation in Franklin County, State of Alabama, containing six hundred and forty acres being the land whereon he now lives together with all and singular the stock of horses, mules, cattle and hogs; farming and plantation utensils and every other article, thing, chattel or chattels, also the following negroes, namely: Jerrid and his wife Chloe and their children Tony and Arthur Gregg and his wife Amarillis and their children Elizabeth and Hannah and his wife Maria, Rube and his children Jacob and Susan Sterling, Alex Washington Jefferson, Charles and Henry and their future increase to him and his heirs and assigns forever, with the limitation and upon the express conditions hereinafter named: to wit that if my said son John James shall die without leaving a lawful child or children or his first or any of his children shall have arrived at the age of twenty one years or marries, so that he shall have made any advancement of property to them, then I leave unto his widow during her widowhood the said land, slaves, stock and things, with the proviso that no waste or improvidently consumption be made by her and after her

marriage or death I give and bequeath the whole of said estate to my sons Benjamin Franklin and Joseph or to the survivor of them, to them or him & to their or his heirs or assigns forever, subject however to the payment of the lawful debts of my said son. But if my said son shall die leaving such child or children and a widow him surviving, then I give the said estate above to his wife during her widowhood, and after her death to such child or children to him or them his or their heirs & assigns forever, subject however to the payment of the debts of my said son as aforesaid. Provided nevertheless that inasmuch as the said estate, added to what money I have paid for my said son, is more than his ratable proportion of my estate, I charge upon the estate the sum of five thousand dollars to remain as a lien thereon, three thousand dollars to be paid to my son Joseph Gray in six annual payments and two thousand dollars to my son Benjamin Franklin in four annual payments to commence twelve months after my decease, without interest, unless payment are delayed twelve months after the instalment becomes due.

Fourth. I give and bequeath to my said son John Lamb all claims of relation nature or kind which I have against him either by bond note account, receipt or contract or otherwise.

Eighth. I give and bequeath to my wife four negroes, such as she may select to be taken at valuation where all are limited.

Ninth. I give and bequeath to my sons Benjamin Franklin and my son Joseph Gray the residue of my real estate, including the land and plantation bound to my wife during her life, to them or to the survivor of them, their heirs & assigns forever.

Tenth. I give and bequeath to my dear wife, and to my sons Benjamin Franklin and Joseph Gray all the rest of my negroes, but those which may be allotted to my said sons not to be divided between them unless my son Benjamin arrives at the age of twenty one years or marries.

Eleventh. It is my will and desire that the negroes which may be allotted to my sons, be kept on my dear plantation, and a sufficiency of mules & horses, cattle, sheep and hogs, corn, fodder &c, wheat and farming utensils to keep up the plantation for the benefit of my said sons, and should my wife fail in making a support to be furnished her from them with a reasonable quantity of necessaries, of made timber to spare including wood, lambs & pigs for the table — although it is my earnest wish and desire that the plantation may be kept up as above, I leave it at the discretion of my executors after advising with my wife, to do so or not, having a view to the situation of my estate as regards its indebtedness and to the means of affording my sons a good education.

Twelfth. It is my will and desire that if the funds set apart for the payment of my debts that is the debts due to me and the sales of all the personal estate shall not be sufficient that my executors sell such of my slaves as may be necessary, and all of the sums shall contribute ratably thereon proportionably to what they may receive under this will, and for the purpose of educating and maintaining



my said two sons provided my estate shall prove to be indebted in a greater amount than may be supposed. It is my will and desire that my executors sell personal property to discharge my said sons, either before or after a division and the division under this will to contribute in like manner and to that end I charge the same as a lien on all such division either in real or personal estate except on the division to my son John Lamb.

Fourteenth. It is my will and desire that my wife keep my friend son William Bell with her at the expense of my estate until his father thinks proper to send him to school and when temporarily absent from school — and I also desire that Joseph Bell reside with my wife if he thinks proper so long as he remains single.

Fourteenth. I nominate and appoint my friends William A. Gray and Joseph J. Bell and my son Henry Lockhart executors of this my last will and testament. Witness my hand and seal this 28 day of September anno domini 1839.

Wm B. Lockhart (Seal)

Codicil. It is my will and desire that my right and interest in Summerdale in Halifax County be retained for my family as a summer retreat so long as any of them may think proper to use it as such and afterwards to be sold for the benefit of my sons Benjamin & Joseph. Wm B. Lockhart (Seal)

The above Place Summerdale being sold the above codicil is void.

Wm B. Lockhart

Northampton County March Court 1842

This paper writing purporting to be the last will & testament of William B. Lockhart dec'd as brought into court by William A. Gray and Joseph J. Bell & offered for probate and there being no subscribing witnesses to the said Will, Spier Whitaker, Edward Wilkinson and William A. Gray after being duly sworn deposed & said that the said paper & every part thereof including the signature to the same was in the proper hand writing of the said William B. Lockhart and it being further proved to the satisfaction of the court that the said will was found among the valuable papers of the said William B. Lockhart it was ordered by the court that the same be recorded as his last will & testament by the clerk of this court among the records of his office.

and thereupon William A. Gray & Joseph J. Bell two of the executors in the said Will named came into open court & were duly qualified as such.

Teste Wm B. Rodgers clk