

Mr Stewart's last will & testament

I Eli Stewart of the County of Union and State of North Carolina being of sound mind but considering the uncertainty of my earthly existence do make and declare this my last will and Testament in manner and form following That is to say I give and devise to my beloved wife Martha the plantation on which I now live for her comfort and convenience during her natural life together with my dwelling house all out buildings including Grist and saw mills & also my holopis mills I also give unto her all my house hold and kitchen furniture and as much of the Library as she may want & I also give her my Road Wagon and four pair of Hears & my buggy and harness and two (2) mules Henry & Jerry & also two milk cows her choice five hantogs her choice and Ten head of Sheep her choice I also give her Two plow stocks and fixtures Two axes Two shovels Two weeding hoes one hatchet Two sprouting hoes one Grindstone one large kettle one loom one Sythe & cradle one side saddle Two spinning wheels Three pair cards and my Blacksmith Tools together with all the poultry the bedding disposal but if not disposed of at her death to be equally divided between my children Mary & Isbary & William Stewart at their bodily heirs all of which property she is to hold and enjoy During her natural life and at ^{her} death to be sold and

Three pair cards and my Blacksmith Tools together with all the
poultry the bedding disposal but if not disposed of at her death to
be equally divided between my children Mary F Asbury & William
Stewart or their bodily heirs all of which property she is to hold
and enjoy during her natural life and at ^{her} death to be sold and
divided as herein after directed

Item 2nd my will is that if after my death my wife & my executors
should think best to sell the property willed to her Item 1st I hereby
authorize him my executor to sell the same or any part thereof either
at public or private sale as he may think most advantageous to my
estate & the proceeds of the same to be applied the support of my
wife during her natural life or as much thereof as she may need for
her comfort & support and at her death to be divided between my
children as herein after provided

Item 3rd I give and devise unto my son William Stewart
the plantation on which he now lives lying two miles West of
Charlotte known as the Graham Tract more recently by the 6th Cree
Tract containing Three hundred and fifty three acres more or less

Item 4th I give and devise unto my daughter Mary F Asbury Four
thousand Five hundred Dollars (\$4,500) to make her equal with
William in Item 3rd to be paid her by my executor out of
any moneys that may come into his hands as executor

Item 5th I give and devise unto Bruce Crawford Stewart
Five hundred Dollars and I also appoint Wm S Stewart

Guardian for the said R C Stewart & authorize him to loan
The said money and use the interest of the same to Educate the
The said R C Stewart or expend it in any way that the necessities
of the said R C Stewart may require untill he arrives at the age
of twenty one years if he should live that long but if he should
die before he arrives at the age of twenty years or afterwards
leaving no issue in either case the said Five hundred Dollars
is to be paid back into my Estate and be divided between my
two Children W S and Mary & or their legal representatives
When the say will and desire is that all the residue of my Estate
after taking out devises and legacies above mentioned shall be
and the debt owing to me collected the surplus over and above
the payment of debts expenses and legacies that such surplus
shall be equally divided between my two Children Mary & Henry
and William S Stewart or their bodily heirs absolutely forever
and lastly I do hereby constitute and appoint my Son William
S Stewart my lawful executor to all intents and purposes to
execute this my last will and Testament according to the true
intent and meaning of the same and every part and clause thereof
hereby revoking and declaring utterly void all other wills and
Testaments by me made and in case of the or removal of my
Son W S Stewart from this Country I do hereby constitute and
appoint my worthy friend A H Starns my lawful executor
to execute this my last will and Testament I also authorize my
Son W S Stewart to execute the same

And I am of the same and every part and clause thereof
hereby revoking and declaring utterly void all other wills and
Testaments by me made and in case of the or removal of my
Son W S Stewart from this Country I do hereby constitute and
appoint my worthy friend A H Stevens my lawful executor
to execute this my last will and Testament I also authorize my
Widow Stewart to bid at my Sole Eli Stewart
In witness whereof I the said do hereto set my hand and
Seal this the 29th day of September A.D. 1865

Eli Stewart ^{Esq}

Signed Sealed Published and declared by the said Eli Stewart
to be his last will and Testament in the presence of us who at
his request and in his presence do subscribe our names
as witnesses thereto

Lizzie Stewart
A H Stevens

State of North Carolina }
Union County }

Whereas I Eli Stewart have made my last will and Testament
in writing bearing date on the 29th day of September 1865
and in addition thereto I do by this my writing certify
I hereby declare to be a Codicil to my said will

To be Taken and constructed as a part thereof will and direct my
executors to make and convey title of a certain piece of Land
upon which a mill grange church is located containing two &
one half (2 1/2) acres or thereabout to the Trustees hereafter to be
appointed for said Church reserving the use of the Spring & also
the mineral interest of the same to my Estate and I do further
will and direct that a certain note which my son William S
Stewart holds against me Twenty four (2400) Hundred Dollars
bearing date the 4th day of May 1857 and the interest of the same
be paid him out of my Estate in Gold or its equivalent in currency
as the consideration for which said note was given was the equivalent
of Gold

In Testimony whereof I hereto set my hand and seal the
12th day of November 1866

Eli Stewart

Signed Sealed published and declared by the said Eli Stewart
to be a Codicil or a part of his last will testament in presence of
us who at his request and in his presence and the presence of each
other do subscribe our names as witnesses thereto

Attest A G Stevens
Lizzie Stewart

State of North Carolina

bearing date the 4th day of May 1859 and the Interest of the same
be paid him out of my Estate in Gold or its equivalent in currency
as the consideration for which said note was given was the equivalent
of Gold

The Testimony whereof I hereto set my hand and seal the
12th day of November 1866

Eli Stewart

Signed Sealed, published and declared by the said Eli Stewart
to be a Codicil or a part of his last will testament in presence of
us who at his request and in his presence and the presence of each
other do subscribe our names as witnesses thereto

Attest A H Stevens
Lizzie Stewart

State of North Carolina, County of Johnston, Superior
Court, in and for the County of Johnston, N.C.

When this last will and testament of Eli Stewart was exhibited
in open Court and proved in due form of law by the oaths
of A H Stevens the Subscribing witnesses thereto and
Ordered to be recorded

C. H. by Clerk

Guardian for the said R C Stewart & authorize him to loan
The said money and use the interest of the same to Educate the
The said R C Stewart or expend it in any way that the necessities
of the said R C Stewart may require until he arrives at the age
of twenty one years if he should live that long but if he should
die before he arrives at the age of twenty years or otherwise
leaving no issue in either case the said Five hundred Dollars
is to be paid back into my Estate and be divided between my
two Children W S and Mary & or their legal representatives
Item 6th My will and desire is that all the residue of my Estate
after taking out debts and legacies above mentioned shall be
and the debts owing to me collected the surplus over and above
the payment of debts expenses and legacies that such surplus
shall be equally divided between my two Children Mary & Henry
and William S Stewart or their bodily heirs absolutely forever
and lastly I do hereby constitute and appoint my Son William
S Stewart my lawful executor to all intents and purposes to
execute this my last will and Testament according to the true
intent and meaning of the same and every part and clause thereof
hereby revoking and declaring utterly void all other wills and
Testaments by me made and in case of the or removal of my
Son W S Stewart from this Country I do hereby constitute and
appoint my worthy friend A H Starns my lawful executor
to execute this my last will and Testament I also authorize my
Son W S Stewart to sign at a and to be in the presence of

intent and meaning of the same and every part and clause thereof
hereby revoking and declaring utterly void all other wills and
Testaments by me made and in case of the or removal of my
Son W S Stewart from this Country I do hereby constitute and
appoint my worthy friend A H Stevens my lawful executor
to execute this my last will and Testament I also authorize my
Son S Stewart to bid at my sale Eli Stewart
In witness whereof I the said do hereto set my hand and
seal this the 29th day of September A.D. 1865

Eli Stewart

Signed sealed published and declared by the said Eli Stewart
to be his last will and Testament in the presence of us who at
his request and in his presence do subscribe our names
as witnesses thereto

Lizzie Stewart
A H Stevens

State of North Carolina }
Union County }

Whereas I Eli Stewart have made my last will and Testament
in writing bearing date on the 29th day of September 1865
and in addition thereto I do by this my writing so make
I hereby declare to be a codicil to my said will

To be Taken and constructed as a part thereof will and direct my
executors to make and convey Title of a certain piece of Land
upon which a free grave church is located containing Two &
one half (2 1/2) acres or thereabout to the Trustees hereafter to be
appointed for said Church reserving the use of the Spring & also
the mineral Interest of the same to my Estate and I do further
will and direct that a certain note which my son William S
Stewart holds against me Twenty four (2400) Hundred Dollars
bearing date the 7th day of May 1867 and the Interest of the same
be paid him out of my Estate in Gold or its equivalent in currency
as the consideration for which said note was given was the equivalent
of Gold

In Testimony whereof I hereto set my hand and seal the
12th day of November 1866

Eli Stewart

Signed Sealed published and declared by the said Eli Stewart
to be a Codicil or a part of his last will testament in presence of
us who at his request and in his presence and the presence of each
other do subscribe our names as witnesses thereto

Attest A H Stevens
Lizzie Stewart

be paid here out of my estate in Gold or its equivalent in currency
as the consideration for which said note was given was the equivalent
of Gold

In Testimony whereof I hereto set my hand and seal the
12th day of November 1866

Eli Stewart

Signed Sealed, published and declared by The said Eli Stewart
to be a Codicil or a part of his last will testament in presence of
us who at his request and in his presence and the presence of each
other do subscribe our names as witnesses thereto

Attest A H Stevens
Lizzie Stewart

State of North Carolina, County of Jones & quarter Superior,
Union County, N.C. April Term 1866

When this last will and testament of Eli Stewart was exhibited
in Open Court and proved in due form of law by the oath
of A H Stevens the Subscribing witnesses thereto and
Advised to be recorded

Attest by Clerk