

The Last Will & Testament of Elijah M. Walker

In the name of God amen, I Elijah M. Walker of the County of Union & State of North Carolina being of sound & disposing mind & memory & knowing the uncertainty of life & the certainty of death & being minded to dispose of the worldly substance with which it has pleased God to bless me while I have strength & capacity so to do, do make, ordain publish & declare this my last will & Testament, in manner & form following, hereby revoking & annulling all other wills and Testaments heretofore executed & published by me viz.

Item 1st It is my will that my body after my death be buried in a decent & Christian like manner suitable to the wishes & desires of my family & friends.

Item 2nd It is my will that my funeral expenses & all my just debts be paid out of the first moneys that shall come to the hands of my executor from my estate.

Item 3^d I will & bequeath to my sister in law E. E. Martin in consideration of her attention & service to me & my family in my sickness and in compensation therefor the sum of Two Hundred dollars.

Item 4th I give & devise to my Three sons, Robert Sanford, James Henry & Daniel Ransom Walker equally & forever & in case of the death of any one of them without heirs of his body before he attains the age of Twenty one years, one or both of the others surviving, then to the survivor or survivors, the three tracts or parcels of land

of any one of them without heirs of his body before he attains the age of Twenty one years, one or both of the others surviving, then to the survivor or survivors, the three tracts or parcels of land following viz; One tract, being the tract upon which I now live, known as the Warwick tract or formerly partly in Mecklenburg & partly in Union County adjoining the lands of Archibald Porter, E. B. Greer & others containing about one Hundred & forty acres.

The second tract known as the Porter place lying in Union County on Reedy Branch adjoining the land of Sartin Thompson, E. B. Phifer & others containing about Thirty seven & a half acres & the third tract lying also in Union County adjoining the lands of Green Rea, Bennett Gray & N. B. King containing about Twenty four & a half acres to have & to hold the three tracts of land above described to my said sons forever subject never theless to the provisions & reservations hereinafter expressed.

Item 2^d - I give & devise to my Two daughters Isabella and Elisabeth Josephine Walker, equally & forever, or in case one of them should die in her minority, without heirs of her body, the other surviving, then to the survivor, a tract of land lying partly in Mecklenburg & partly in Union County on Six mile creek adjoining the lands of Sarah S. Martin, Amos Hamby, Saml B. Howard & others containing about One Hundred & Thirty seven & a half acres, to have & to hold the same to my said

daughters forever subject however to the provisions & reservations, herein after declared & expressed.

Item 2nd I give & devise to my beloved wife Mary J. Walker forever a tract of land lying in Union County on the waters of Reedy Branch known as the Morris tract adjoining the lands of James J. Harkney Marcellus Martin & others containing about Seventy three acres, subject nevertheless to the provisions & reservations hereinafter expressed.

Item 3rd The provisions & reservations respecting the devise to my said sons, daughters, & wife respectively referred to in the preceding clause of this will are as follows. It is my will that my wife Mary J. Walker with my said five children, after my death, continue to live on the tract of land on which I now live, hereby devised to my said sons & known as the Warwick farm, she & my said children occupying the dwelling thereon & other the buildings & improvements thereon, & that all the crops stock & provisions raised on all & singular my lands & all the rents & profits thereof or so much thereof as may be necessary, be used & employed in common for the support of my wife & for the nurture, raising & education of my five children aforesaid who are infants of tender years, it is, therefore, my will that the lands hereby devised to my said sons, daughters & wife respectively remain unappropriated by & undivided among the devisees & that the same be saved & a trust in it.

[illegible]

My will that the lands hereby devised to my said sons, daughters & wife respectively remain unappropriated by & undivided among the devisees & that the same be farmed & cultivated in such a manner as to my executor may seem most advantageous to the interest of my wife & my said five children, & that all of my mules, horses, stock of every description, wagons & farming tools of every kind that may be on hand at my death, be kept & used for that purpose & other like property, purchased if necessary to that end, with privilege to my executor to sell any of the same as may be or become unmanageable or useless, & to purchase other like property in lieu, to be subject to like sale & substitution, & that the crops, stock & provisions raised on said lands, & the rents & profits arising therefrom, or so much thereof as may be necessary be used & employed in common for the support & maintenance of my said wife Mary J. Walker & for the rearing, support & education of my said five children until the contingencies arise hereinafter specified, & further with respect to the land hereby devised to my said sons, it is hereby declared that my said sons shall have no power to sell or convey their interest in said land until they attain the age of twenty five years except to one another, in which case they may sell & convey at the age of twenty one years, but if any one of my sons when he attains the age of sixteen years, desires to conduct & farm on his own account, & in the opinion of my Executor he has power

& discretion sufficient to do so, It is my will that my Executor do
 apportion & allot to him in severally the share of the land devised to
 my said sons to which he may be entitled, whether it be one third or
 greater share in right of survivorship, the allotment to be in value,
 quantity & quality relatively considered, to be ascertained & assested
 by three disinterested freeholders to be selected by my executor & advance
 to him sufficient stock & farming implements to carry on his farm &
 furnish him with supplies sufficient to enable him to make a
 crop, my said Executor reserving the power to revoke such allotment
 & advancement at any time during the minority of said son, in
 the event said son make an improvident use of the born & such
 son so long as the allotment remains unrevoked, is to have to his sole
 & separate use all the profits thereof & to be excluded from participation
 in the rents & profits of the remaining lands, in case such allot-
 ment remains unrevoked until he attains his majority, that is
 to say becomes Twenty one years of age, such allotment shall be his
 absolute property in fee at his own disposal except as to the
 restriction upon the power to sell until he becomes Twenty five
 years of age herein before provided, & further when any one of my
 sons aforesaid attains the age of Twenty one years, in case no
 allotment has been made to him, or if made, has been revoked,
 or if unrevoked, he is entitled to a greater share by right of
 survivorship. It is my will that

sons aforesaid attain the age of Twenty one years, in case no allotment has been made to him, or if made, has been revoked, or if unrevoked, he is entitled to a greater share by right of survivorship, it is my will that my executor allot & set apart in severalty to ~~such~~ son the share in value quality & quantity relatively considered to which such son may then be entitled of the lands hereby devised to my said sons, & advance to him, if the same has not been previously done, or if done has been revoked, stock & farming implements, sufficient to enable him to cultivate his allotment, & supplies sufficient to enable him to make a crop, & such son shall no longer participate in the rents & profits of the remaining lands, but the land so allotted to him with all the rents, profits & encumbrances thereof shall be such sons absolute property in fee subject only to the restriction upon the power to sell until the attainment of the age of Twenty five years as hereinbefore provided, & further with respect to the land devised to my two daughters, it is my will in the event the lands devised to my said sons be allotted and apportioned to them, as in this will provided, that my wife Mary J. Walker, if she desires it, have the right to remove & occupy with my said daughters the dwelling & other buildings & improvements on this land herein devised to my said daughters & share equally with them in the rents & profits arising from the land devised to my said daughters & from the land

devised to my said wife & at the death of my wife it is my will that the land devised to my said daughter be their absolute property in fee.
 Item 8th All land or real estate which I may acquire hereafter or which I may own at the time of my death other than that hereinbefore provided for, I give & devise to my three sons, Robert Sanford, James Henry, & Daniel Ransom Walker forever share & share alike.

Item 9th The Household & Kitchen furniture that came by my wife I give to my wife, all the balance of my household & Kitchen furniture that may be on hand at my death, I give & bequeath to my five children above named, but it is my will that it be kept together in common, for the use of my family, so long as they remain together. But it is my will, when one of my children marries, or otherwise separates, to live apart from the family, that the equal share of such be turned over to him or her.

Item 10th It is my will that all the provisions, grain, provender, subsistence on hand at my death, as also that accruing from growing crops, or so much thereof, as may be necessary, be retained for the support of my family, & the use of the farm, & if there be a deficiency, that it be supplied by my Executor. It is also my will that my stock, wagons & farming tools hereinbefore provided to be retained on the farm, be subject to distribution equally among my five children above named. in case the necessity for their further retention on the farm for the furtherance of the provisions of this will should exist, & it

retained on the farm, be subject to distribution equally among my five children above named. in case the necessity for their further retention on the farm for the furtherance of the provisions of this will should cease to exist.

Item 11th, Any surplus of money remaining in the hands of my Executor after the payment of my debts & funeral expenses & all the residue of my personal estate, I give & bequeath to my five children above named, namely Robert Sanford Walker, James Henry Walker, Daniel Ransom Walker, Ida P. Walker, & Elisabeth Josephine Walker, share & share alike, to be retained by my executor during the minority of my said children, & employed in the manner my said Executor may deem most beneficial to the interest of my said children, & in the event the proceeds of the farm are insufficient for that purpose, the shares of each respectively may be used & employed for his or her support & education, my Executor keeping separate accounts against each of my said children & paying over to each, as she or he attains the age of Seventy one years his or her share of the fund in the distribution, each child to be chargeable only with the amount expended on his or her account.

Item 12th I hereby acknowledge the insertion of the word "Substance" after the word "worldly" in the preamble of this will, & of the insertion of the word "reservations" after the word "and" in the 5th clause of

This will, and of the erasure of the word "to" before the word "advance"
 & the insertion of the word "wife" before the word "Mary" in the 7th
 clause of this will, & the slur before "Money" clause Eleventh.

Finally & lastly I hereby nominate & appoint my trusty friend,
 E. L. Kuykendal, my Executor to carry out the provisions
 of this my last will & testament.

In Testimony whereof I have herewith set my hand
 this the 28th day of October A.D. 1875

This instrument signed,

E. M. Walker (L.S.)

published & declared by E. M. Walker
 the Testator, as his last will and
 Testament, in our presence, and
 subscribed by us as attesting
 witnesses in his presence & in the
 presence of each other at his special
 instance & request.

H. G. Price

J. F. Thompson

North Carolina 3

Union County 3

A paper writing, purporting to be the
 last will & testament of E. M. Walker, Deceased, is exhibited for
 probate in open Court, by Mary J. Walker, the widow of said
 Testator (the Price & Thompson)

Rich^d M.

Will

24th Jan^y

North Carolina 3

Union County 3 A paper writing, purporting to be the last will & testament of E. M. Walker, deceased, is exhibited for probate in open court, by Mary J. Walker, the widow of said testator, (the Executor E. C. Ryklestad, having sent in his written renunciation to execute said will,) and the due execution thereof by the said E. M. Walker, is proved by the oath & examination of H. G. Price & J. H. Thompson, the subscribing witnesses thereto. It is therefore considered by the court, that the said paper writing, & every part thereof, is the last will & testament of the said E. M. Walker & the same is ordered to be recorded & filed. The said widow M. J. Walker having renounced her right to administer in writing in person in open court & having requested that J. L. Porter, be appointed administrator in her stead, & he also having applied for administration & offered bond in the sum of Fifteen thousand dollars with A. M. Porter & A. G. Shannon, as securities, thereupon said J. L. Porter was duly appointed administrator with the will annexed of E. M. Walker, & said bond was duly approved of the court & said J. L. Porter duly qualified as such adm^r with the will annexed, by taking the oath required by law, & letters of administration with the will annexed issued. Dec^r 28th 1875
S. H. Walker, Probate Judge

Item

Item

Item

Dec^r 27th 75

I hereby decline to act as the Executor of last will of the late E. M. Walker
of Union County North Carolina

E. C. Keykendal.

North Carolina

Union County } Dec^r 28th 1875

To S. H. Wal Reh. Judge of Probate of said County,

I hereby release my right to administer upon the estate of my deceased
husband Elyah M. Walker late of said County in favor of John L. Porter
& I hereby request that the said John L. Porter be appointed to administer of my
said husband with his will annexed

Respectfully

Mr. J. Walker

Late A. G. Shannon.

I, Richard W. Steele of the County of Union and State of
North Carolina, being of sound mind and memory;
but considering the uncertainty of my earthly existence, do
make and publish this my last will and Testament
in manner and form following: that is to say: - First: -

That my executor herein after named shall provide
for my body a decent Burial; and pay all funeral
expences, together with my just debts, howsoever and to
whom soever owing, out of the first moneys that may

24th Jan^y 1872

Rich^d W. Steele
Will