

Jane

573

Jane Givens Past Will and Testament
I Jane Givens of the County of Union, Town
of Waxhaw, and state of North Carolina, being
of sound mind and memory, and being desirous
of making disposition of the worldly effects,
With which I have been blessed, do make,
publish and declare the following to be
my last will and Testament, hereby revoking
and declaring utterly null and void, all
other wills heretofore made by me. That
is to say:

Item 1st I will and desire that my executor here-
inafter named, shall provide for my body a
suitable burial, according to the wishes of my
friends and family, and that he shall ~~over~~ ^{over} my
grave a proper Tomb stone, or Monument, as
he may deem best, and that he shall pay there-
for out of the first moneys, which shall come
into his hands.

Item 2nd I will and desire that my Executor shall
pay, out of the first moneys which come into
his hands, my funeral expenses, Doctors bills
and any other just debts which may remain
due at my death.

Item 2nd I will and devise that my executor shall pay, out of the first moneys which come into his hands, my funeral expenses, doctors bills and any other just debts which may remain unpaid at my death.

Item 3. I will and devise unto W. J. King and his wife Lassy King, the following described property, the same to be held by them jointly for their joint lives, and by the survivor of them during the life of such survivor, and after their death to be divided equally among the children of ^{the said} W. J. King and Daisy King. The children of any deceased child of theirs to represent their part to-wit.

The house and lots in the town of Westrio wherein I now reside with W. J. King and wife, the same being the property conveyed by J. F. Celyburn and wife Mattie to Washington Givens, reference being hereby made to the said deed for a more particular description, and also a small lot conveyed by Ellaline Givens to Jane Givens, adjoining the above described lot, and containing one eighth of an acre, more or less. Also a tract of land adjoining the lands of J. L. Pillue, J. L. Osborne, Joseph Adams and the Mary Cry estate containing 183 acres.

Jane Givens Will Continued.

more or less, and known as the David Cry Land, in-
-herited by me from my Mother, a more particular
description of which will appear by reference to the
partition proceedings in the division of said land.
It is my will further that in case of King should ^{be} left
a widower, and should marry a second time, that
the children by him in said second marriage shall share
in said land equally with those by his present wife,
the children of any deceased child representing the
parent; but should the said W. J. King die before
his present wife Daisy no children of the said Daisy
King born to her by a second marriage shall
participate in said land.

Also I will and devise that my home place,
containing 522 acres, more or less, and comprising
Weaver tract, part of the Cook tract, part of the
~~Oliver~~ Givens tract and the Washington Givens tract,
the same being assigned and set apart to me in the parti-
-tion of the Washington Givens land, reference being
herby made to said partition proceeding for a more
particular description of said tract, be divided as
follows: 200 acres of said tract to be divided

The same being assigned and set apart to me in the partition of The Washington Given's land, reference being hereby made to said position proceeding for a more particular description of said tract, be divided as follows: 200 acres of said tract shall be assigned and set apart to Wd King and his wife Lavinia King, and that portion of said tract lying next to the said Wd King's own place known as the Cherry pasture place due can being had to lay the same off in such shape as is most desirable, and so as not to impair the tract to be laid off, as hereinafter provided. The ^{said} W. S. King and wife Lavinia King to have and to hold the said tract, as so laid off, during the term of their natural lives, and the survivors of them to hold the same during the life of such survivors, and at their death the said land to vest in fee simple in the children born to the said W.S. and Lavinia King equally between them, except W.J. King, who is now dead and past them. The children of any deceased child to represent their parents.

200 acres of said ~~home~~ tract to be assigned and set apart therefrom, adjoining the last named tract and in suitable shape for the use and benefit of Thomas W McKibben and his wife Martha McKibben, the said Thomas W. McKibben and his wife Martha

Jane Groves Will Continued
 McKibben to have and to hold the said tract of
 land, so to be set apart to them for simple absolute
 forever. The balance of said home tract will
 and devise to W. J. King and his wife Daisy
 King, subject to the same conditions, restrictions,
 and limitations set forth in Item 3^d of this
 my will. And in the partition of the said home
 tract, as herein provided, I direct that W. J.
 King and wife, or those representing them,
 shall select one commissioner; that T. W. McKibben
 and wife, or those representing them shall
 select a second commissioner and that W. J. King
 or those representing him, shall select a third
 commissioner, neither of said commissioners to be of
 kin to any party in interest, and ^{that said} commissioners so
 selected, shall partition said land among the parties,
 as directed as heretofore provided and the said W. J. King
 as executor, or his successor, shall execute to the
 said W. J. King and, and the said T. W. McKibben
 and wife according to the partition made by said
 commissioners, and the true intent and meaning
 of this clause of my will, and in case either

and wife according to the partition made by said
commissioners, and the true intent and meaning
of this clause of my will, and in case either
of said parties fail or refuse to nominate a commissioner
when called upon so do by my executor, then my said
executor will select all of said commissioners and proceed
as is herein directed.)

Item 5. I will and devise to W. J. King and his wife
Daisy King jointly and equally between them, 25 shares
of stock in the Washaw Normal and collegiate Institute.
said shares being of the face value of \$10.00 each as will
appear from the books of said Institute. Also the following
lots block and parcels of land, belonging to the
Mary Bry tract of land, and appropriate to Jane
Givens in the partition of the estate of Washington
Givens, a more particular description of which will
appear by reference to the plat thereof made by
Mr. W. B. Bizzars County Surveyor on the 23rd of July 1897 and
also to the partition proceeding had in said estate, to
which said plat and partition proceeding reference is
hereby especially made.

Lots Nos. 1 and 5 in Block A. Lot No. 1 in Block B. Lot No. 26
in Block F. being 200 by 200 ft square. Lots Nos 5 and 8

Jane Givens Will Continued
 in block B. Lot no. 14 in Block M; Lots nos. 13, 27,
 31, and 29 in block C; Lot no. 38 being the easterly half
 of Block N., and being 400 by 400 feet square Lot
 No. 9 in Block J; Block P. containing $1\frac{1}{4}$ acres
 more or less Lots nos. 22 and 23 in Block R. Lot no. 1
 in block K; Lots nos. 1 and 2 in block H. and Block
 T. containing $25\frac{1}{2}$ acres more or less.

Item 6 I will and devise my $18\frac{1}{2}$ acre tract known
 as the Elizabeth Walker tract to name Billings Travers
 Givens and Son Givens jointly and equally between
 them, in fee simple absolute forever.

Item 7 I will and devise my Tom Willford in the town
 of Woxhaw, to Jane Davis col. for the term of her natural
 life, and after death I will devise said lot to W. J.
 King and his wife Daisy King in fee simple absolute
 forever.

Item 8 I will and bequeath my watch I bought
 at my mother's sale to Martha McRibben, wife of
 J. W. McRibben.

Item 9 all my other property of every kind, nature
 and description whether the same be real, personal,
 or mixed, I'll bequeath and devise to W. J. King
 and his wife Daisy King in fee simple absolute forever.

them, in fee simple absolute forever.

Item 7. I will and devise my Tom Willford in the town of Woxhaw, to Jane Davis col for the term of her natural life, and after death I will devise said lot to W. J. King and his wife Daisy King in fee simple absolute forever.

Item 8. I will and bequeath my watch I bought at my mother's sale to Martha McKibben, wife of J. W. McKibben.

Item 9. All my other property of every kind, nature and description whether the same be real, personal, or mixed. I'll bequeath and devise to W. J. King and his wife Daisy King jointly and equally with them.

Item 10. I hereby constitute my truly friend, ^{relation} W. J. King my sole executor, to execute and carry out this my last will and Testament, according to the intent and meaning thereof.

Witness my hand and seal this the 14th day of January
A. D., 1898

Witness
D. A. Covington
of Houston

Signed Jane McKibben

Jane Givens Lost Will Contd.

State of North Carolina
Union County

In the Superior Court
Before the Clerk

In the matter of the probating
the lost Will and Testament
of Jane Givens.

Certificate of probate

The annexed paper writing purporting to be the lost Will and Testament of Jane Givens having been this day produced before the undersigned C. J. C. of Union County and said state by W. J. King, the executor named therein and application having been made by the said W. J. King for the probate of the same and appearing by affidavits of J. Nelson Stewart and D. A. Covington that the witness Thurtis is dead and that they know the handwriting of the said D. A. Covington, deceased, and that his name as a witness to the said paper is his own signature Thurtis, and it further appearing by the affidavit of D. A. Covington that he was present and wrote the said will and that he saw the witness Thurtis sign the same as such, and that he saw the said Jane Givens make her mark in execution of the same and it further appearing by the oath of H. C. Houston that he was present when the said Jane Givens

Union County and said state, by W. J. King, the
executor named therein and application having been
made by the said W. J. King, for the probate of the same
and appearing by affidavits of J. Nelson Stewart
and D. A. Covington that the witness thereto is read
and that they know the handwriting of the said D. A.
Covington, deceased, and that his name as a witness
to the said paper is his own signature thereto, and
is further appearing by the affidavit of D. A. Covington that
he was present and wrote the said will and that he saw
the witness thereto sign the same as such, and that
he saw the said Jane Givens make her mark in execution
of the same: and is further appearing by the oath of N. C.
Houston that he was present when the said Jane Givens
executed the said paper writing as her last will and Testament
and that she signed the same in his presence, and
he at her request witnessed the same and ~~he~~ signed his
name as witness thereto in her presence.

It is adjudged that the said paper writing is the last
will and Testament of Jane Givens, deceased, and
the same is hereby admitted to probate; and it is
further ordered that the same be recorded.

This the 8th day of March 1899 E. H. Amfield (Clerk)