

Last Will & Testament of Thomas Newby

The last Will & Testament of Thomas Newby of the County of Union in the State of N. C.

I, Thomas Newby, considering the uncertainty of this mortal life and being of sound mind and memory do make and publish this my last Will & Testament in manner & form following:

First, I desire & direct that my Executors shall pay all my just debts.

Second, I will & bequeath unto my eldest daughter Elizabeth Wilson a tract or parcel of land consisting of One hundred & seventy one acres, adjoining Phillip Fisher, Hugh Newby, James Cuthbertson & others, to have & to hold as her own in during her life, then to be equally divided between her children.

3^d I give to my second daughter Martha Ann Boudier a tract or parcel of land (the Sterns land) consisting of about One hundred & eighty acres, adjoining the lands of B. F. Houston, John Ross, Dr. Gobble the Smart mine tract, Andy Starnes

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Ann Boudier a tract or parcel of land
(the Sterner land) consisting of about One
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of B. F. Houston, John Ross, Dr. Gobble
the Smart mine tract, Andy Starnes
& others, to have & to hold during her
life & then to be equally divided between
her children.

4th I give & bequeath to my oldest son
D. J. Newby all of my interest in a tract

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Last Will & Testament of Thomas Henry Contd.

parcel of land known as the Dublin Mine of about three hundred & four acres adjoining the lands of C. Alexander & Flow, R. L. Stewart & my home tract, also another parcel or part of my home ~~place~~ lying between the public road, Crooked Creek, Suffy Condors land & the said Dublin Mine tract, Commencing at a dead Sweet gum on the South side of Crooked Creek a corner of said Dublin Mine tract running with the said Crooked Creek up to the middle of the board, then nearly North with in the land then about an East course Suffy Condors middle of the public road to Suffy Condors my home tract line to the said Dublin Mine land, also my two shares in the Phillip Condor land, viz, the W^m Morris & Markur Crowell shares, to have and to hold with all the appurtenances thereto, during his life & then to be equally divided between his children.

[5th I will & bequeath to my second son W^m. S. Henry all of my home tract of about three hundred & fifty acres, adjoining the lands of Suffy Condor, L. M. Seerest, James Wentz, Nancy

manee thereto, during his life & then to be equally divided between his children.

[5th I will & bequeath to my second son W^m. S. Herby all of my home tract of about three hundred & fifty acres, adjoining the lands of Suffy Conder, L. M. Seerest, James Wentz, Nancy Byrum & others, to have & to hold with all the appurtenances thereto during his life, then to be equally divided among his children, if he have any, but if he dies without children then I will & bequeath this my home tract of land & all the appurtenances thereto, to my oldest son D. J. Herby if he should be living, if not, then to be equally divided between his children, but in case he have none, then to be divided among all of my grand children equally.

[6th I will & bequeath to my 3^d daughter Allie Herby one tract of land ~~of~~ ~~land~~ of Sixty Seven acres more or less adjoining the lands of Suffy Conder, the Steward Rice land & Dolin mine tract, also one half interest in a tract or parcel of land adjoining the lands Samuel Stevens, the Steward Rice land & Flow & Alexander's consisting of about eighty acres, also one small tract of thirty seven acres, adjoining the

Last Will & Testament of Thomas Nemby, Cont'd.

lands of B. F. Houston, Andy Sterns & others, also one tract of twenty nine acres adjoining the lands of John Ross, James Smith & Andy Sterns to have & to hold during her life and at her death to be equally divided among her children if she have any, but if she have no children, then to be equally divided among all my grand children.)

In Consideration of the fact in article fourth that if my eldest son D. J. Nemby should die without children then these lands, viz. Dolin Mine tract, &c. which I have given to my son D. J. Nemby shall be Mrs. S. Nemby's during his life then or in case he be not living I will that it be equally divided among his, Mrs. S. Nemby's children, but if he have none, then equally divided among all my grand children.

Furthermore I give to my eldest son D. J. Nemby of my personal property one first choice milch cow and one bet stead, tick & covering, pillow &c. Also to Mrs. S. Nemby I give my 2nd choice

children.

Further more I give to my eldest son D. J. Nemby of my personal property one first choice milch cow and one bet stead, tick & covering, pillow &c. Also to W^m. S. Nemby I give my 2nd choice milch cow, and to my daughter Allie Nemby I give one 3^d choice milch cow & one bed stead & tick covers, pillow &c. one sewing machine and one bureau. And lastly as to all the rest, residue and remainder of my personal property good and chattels of what kind and nature soever with the remainder of all my real estate, I direct that it be sold to the highest bidder by my Executors and the proceeds with all my moneys on hand and at interest be divided equally among my all my children, and paid over to each one of them by my Executors, after first deducting from my daughter Elizabeth share what my son-in-law Cicero Wilson is due my estate in notes & accounts, and also pay to my daughter Martha Ann her equal share after deducting from it all my son-in-law Marcus Conder is due my estate & I hereby appoint my son D. J. Nemby

Last Will & Testament of Thomas Newby, Contd.

W^m. S. Newby Executors of my last will & testament hereby revoking all former wills made by me. In witness whereof I have hereunto set my hand & seal, the 23^d day April in the year of our Lord 1883.

Thomas Newby

The above instrument consisting of three sheets was now here subscribed by Thomas Newby the testator in the presence of each of us, and was at the same time declared by him to be his last Will and Testament, and we at his request sign our names hereto as attesting witnesses, and the interlinings; all of my interest in, and in the middle of, And Couder, during his life and then ~~to~~ be equally divided between his, His children but in case he have none then to be divided among, D. J. Newby, Divided among W. S. Newby's children but if he have none then, One All my my I direct that it.

R. L. Stewart
G. B. Peninger.

divided among, D. J. Henry, divided among W. S.
Henry's children but if he have none then, One
all my my I direct that it.

R. L. Stewart
G. B. Peninger.

[Whereas I, Thomas Henry, have made my
last will & testament in writing bearing
April 23^d 1883 and have thereby willed my home
place a tract or parcel of land of about 350 acres,
to my son W^m S. Henry, adjoining the lands of
Saffy Couder, L. M. Seceest, James Neatz
& others, which tract or parcel of land is
bonded to J. C. Bates for the sum of ten
thousand dollars that in case of a sale
being made under the present existing
bond it is my will & I now direct my Executors
to sign the Deed & make a good title in fee
simple to the purchaser and that in lieu
of the said home tract he, W^m S. Henry,
shall receive Six thousand dollars, and
my other four children D. J. Henry, Martha
Ann Couder, Elizabeth Wilson & Allie Henry shall
have one thousand dollars each of the ten thou-
sand dollars, viz, the proceeds of this home tract

Last Will & Testament of Thomas Newby - Cont'd.

of land and lastly it is my desire that this my
Codicil be annexed to & made a part of my last
Will and Testament to all intents & purposes.

In witness whereof I have hereunto set my hand
& seal this the 23 day of April 1883.]

Thomas Newby

The above instrument of one sheet was at the
date thereof declared to us by the testator, Thomas
Newby to be a Codicil to his last Will & Testament
and he acknowledged to us that he had subscribed
the same to us as attesting witnesses

G. B. Penninger

R. L. Stewart.

A paper purporting of which the foregoing is
a true copy purporting to be the last will
and testament of Thomas Newby deceased,
with the Codicil thereto attached was offered
in open Court for probate by D. J. & W. S. Newby
the Executors therein named, and the ex-
ecution of the same was duly proven by the

