

Will of Samuel Westray 1827

-Provided by Rocky Strickland per Westray.org -

State of North Carolina, Nash County

To all to whom these presents shall come Greetings:

Know ye that I, Samuel Westray, of the County and State aforesaid, for divers good causes and considerations to me hereunto moving and for and in consideration of the natural love and affection that I have and bear for & towards the several persons hereinafter mentioned, have Given, Granted, Conveyed & Confirmed, and by these presents do hereby freely and absolutely Give, Grant, Bargain, Convey, Alien, Confirm and deliver unto them, their Heirs & Assigns forever as follows to wit:

I give unto my son Turner P Westray all and singular my lands lying in the County aforesaid on Great Sappony Creek, known and called by the name of the Gandy place adjoining the lands of Jacob Barnes, and others for quantity and courses see Records, also all and singularly all of the lands of which I am seized and possessed in the County and state aforesaid, (except the land and plantation whereon I now live, and the two tracts called and known by the name of my Fishing Creek plantation as are hereinafter mentioned and disposed of); together with all woods, ways, waters, mines, minerals, improvements, hereditaments and appurtenances thereunto belonging or in any wise thereunto attached unto him the said Turner P Westray, his heirs and assigns forever.

I give unto my beloved wife, Sally B Westray all and singular the Land and Plantation whereon I now live, to her own proper use benefit and behoof for and during the term of her natural life. (saving and excepting at all times the Academy and twenty five acres of Land around it which I give to my said son Turner P Westray, his heirs and assigns forever). And after the death of my said wife Sally B Westray the Land & Plantation whereon I now live and which I have herein given to her during her natural life time, I give unto my said son Turner P Westray, to him, his heirs and assigns forever.

I give unto daughter, intermarried with Dr John Arrington who previous to her said marriage was Martha Westray all the lower part of my Fishing Creek Plantation in said County adjoining the Land of Daniel Walker and others and divided from the upper part by and old line from the Barnes land to the Creek which comprehends & includes and hereby is intended to comprehend and include the whole of the said lower Tract unto her may said daughter Martha and the lawful Heirs of her body forever, provided nevertheless that if my said daughter Martha should die without lawful issue her surviving then and in that case the said Land together with all the appurtenances thereunto belonging to return into my Estate and be equally divided between the rest of my Heirs. I also give to my said daughter, in like manner as above, the upper part or tract of Land on Fishing Creek adjoining the other or lower tract, the Lands of Eli B Whitaker and others, on condition that she pay or cause to be paid unto James S Battle, his Heirs or Assigns on demand the sum of One Thousand Dollars; but if this shall not be done, then and in that case I give the said upper tract of land together with all the appurtenances thereunto belonging unto James S Battle to him, his Heirs & Assigns forever provided nevertheless that the said James S

Battle pay over unto my said daughter Martha the aforesaid sum of One Thousand Dollars, unto her the said Martha or her lawful issue if any her surviving.

I give and hereby direct and convey unto my said son Turner P Westray Ten Thousand Dollars in Cash unto him and his Heirs & Assigns forever.

I Give to James S Battle the following Negro slaves to wit Penny and her four Children Margaret, Syrrinae Hardy, Gilbert and Beck and their increase to him his Heirs & Assigns forever.

I Give to my son in law Dr John Arrington the following Negro Slaves to wit Pris & her two Children Jack and Allen, Rose, Aaron & Jim & their increase to him & his Heirs forever.

I Give to my son Turner P Westray the following Negro Slaves to wit Sam, Belson, Mack, Short Jacob, Long Jacob, Preston, Warren, Carter, Will, Ben, Old Ned, Old Edy, Old Jim, Old Nanny, Nance, Matilda, Mariah, Aggy, Tombucto, Caroline, Clarissa, Sterling, Granville, Suckey, Minerva, Lena, Peggy, Franklin, Eve, Patience, Alice, Moses, Mark, Rowden, & Baldy, and their increase to him the said Turner P Westray his Heirs & Assigns forever provided nevertheless that I lend and hereby intend and direct that my Wife Sally Westray shall to all intents and purposes possess and enjoy and equal Right and benefit in the use and services of all the said last mentioned Negro Slaves in Common with my said son Turner for and during the term of her natural life time and no longer.

Of my bank stock I give to James S Battle One Thousand Dollars, to my son Turner P Westray One Thousand Dollars to them and their Heirs forever.

I Give to my son Turner P Westray both my Stills, all my Cider Casks, working tools, Stock of Horses Hogs Cattle & Sheep & my Crushing Mill unto him the said Turner his Heirs and Assigns forever provided nevertheless that it is hereby intended and directed that my Wife Sally shall during the term of her natural life time have possess and enjoy and equal Right and benefit with my said Turner to the afore last mentioned property.

It is hereby provided nevertheless that I shall during my life time exercise absolute control over all the property herein given away at my own discretion. In testimony whereof I have hereunto set my hand and seal this 1st day of Apr AD 1827.

Signed, sealed & delivered in presence of H Blount, Eliza S Edwards.

In February, 1828, James S Battle, administrator, presented an accounting to the Nash County Court of the inventory and sale for the estate of Samuel Westray. Sally B Westray was the principal buyer. Account Current, November 9, 1830. The following legatees signed receipt for their distributive shares: John Arrington, Turner P Westray, and Sarah B Westray (Sally).