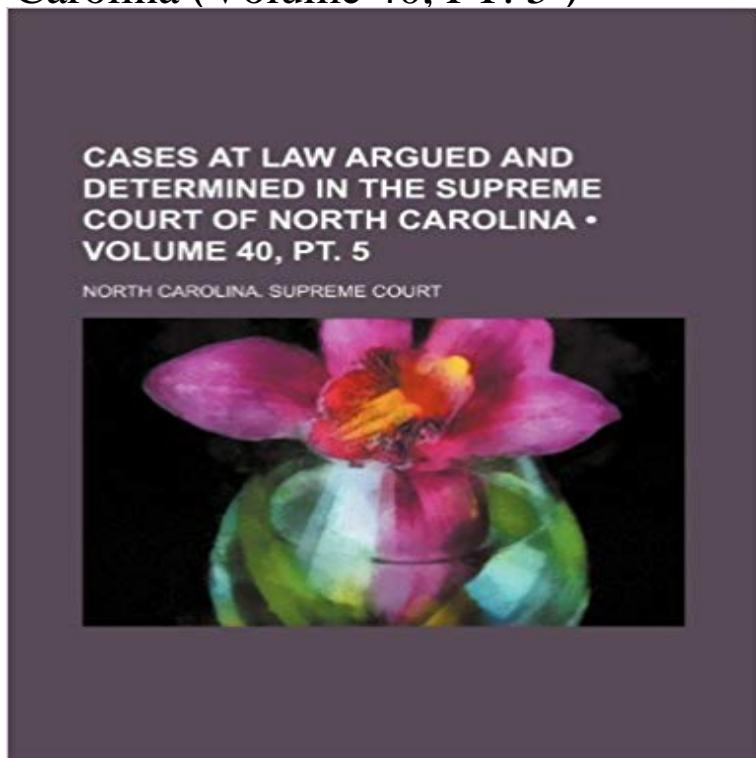


Cases at Law Argued and Determined in the Supreme Court of North Carolina (Volume 40, PT. 5)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1849. Excerpt: ... Simmons v. Gooding. Item. I give and devise unto my son, Benjamin Franklin Simmons, all my lands, not already given away and devised in this will, also an equal share of my slaves with my other children, and a share of perishable estate, after my debts are paid; and should my said son marry, the said lands and other property to be held by my said son Benjamin and his wife and the child or children of said Benjamin, surviving their parents, upon the same terms and subject to the same uses, conditions, and limitations, mentioned in the devise to his sister, Mary Ann SimmonsItem. That I may not be misunderstood, it is my will, that, after my debts are paid, the balance of my perishable estate shall be equally divided between my wife and all my children, (except my daughter Elizabeth Ward.) Item. I give to my sister Mary, wife of George Hatch, one hundred dollars, and to Lemuel S. Hatch, son of said Mary Hatch, I give one hundred dollars. Lastly I constitute and appoint Jacob Gooding, Amos L. Simmons, and William P. Ward, my executors. In testimony whereof, I hereunto set my hand and seal, this 14th day of June, A. D., 1844. LEMUEL H-SIMMONS, seal. Signed, sealed and published by Testator in our presence, Nathan FoseuE, Jon.v Stanly. It was also admitted in the pleadings, that Richard Oldfield, one of the defendants, before the death of the said testator and after the making of the said will, intermarried with Mary Ann Simmons, who was a daughter of the testator and one of the legatees and devisees mentioned in the said will, and that she died in the lifetime of the said testator, leaving no children, but leaving

the said Richard, her husband, surviving her, who also survived the said testator, and that the defendants, Maria Simmons r. Gooding. and William, w...

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