

Will, NC, Rutherford, John Liles 1851

FALL COURT 1851

State of North Carolina, Rutherford County, In the Name of God Amen. I **JOHN LILES** of the County of Rutherford, in the State of North Carolina, being now in a state declining health but of sound and disposing mind and memory, calling to remembering the frailty of my nature, and the uncertainty of abiding life, and, being desirous of making a rightful disposition of the property and effects, that God in his kindness and great mercy has entrusted to my case; do make, constitute and ordain, this to be my Last Will and Testament, hereby revoking and making utterly null and void, all former Wills by me at any time made, to which will I make in words and language following;

To wit:

1st I resign my body to the dust, praying God, who gave it, in great love and mercy, to accept of my immortal soul into his abodes of eternal peace; where the wicked cease from troubling and the weary are at rest.

2nd In relation to temporal things, I direct that all my debts, and funeral expenses be paid out of the first money that comes into the hands of my executors under his direction.

3rd I give and bequeath to my daughter **ANN [LILES] FEAGANS**, wife of **JACKSON FEAGANS**, all that tract and parcel of Land whereon the said **JACKSON FEAGANS** is now living comprising three tracts, known by the name of the **JILES** tract, one by the name of the **SETADMAN** Tract, the other a tract entered by myself all lying in the County and State aforesaid, upon Hinton Creek of the main Broad River, due reference to be made for quantity and boundaries to the deeds, plats & papers, already in the possession of **JACKSON FEAGANS**. I also give and bequeath unto him the Negro Girl already in his possession, by the name of **JANE**, with her increases for her, my said daughter to have and to hold the said lands and Negro Girl, & increase, during her natural life, and then to descend to the heirs of her body, intail, to belong to them in fee simple & right forever. I also give unto her and direct that it be paid to her by my executor the sum of five hundred dollars in cash, to equalize as near as I can well do it, her lands in value with the other heirs.

4th I give and bequeath to my daughter **ELIZABETH [LILES] FEAGANS** wife of **GEORGE FEAGANS**, all that place and tract of land lying on the waters of Pacolet River, partly in Rutherford County North Carolina and partly in Spartanburg district South Carolina, known as the **THOMAS BLACKWELL** tract & c. and embracing the lower end of the lands now owned by me on the said waters of Pacolet:

Beginning at a point on the River high enough u: so an to include twenty acres of the bottom lands adjoining **BLACKWELL**'s line running then so as to include that quantity of bottom let the line be straight or crooked, to the Grave Yard and from thence to the branch near the ford, on the upper old way, thence as the branch meadows, so as to include the Spring; to the head of said branch or the back line of my tract of land, then with said back line to **WILLIAM JILE**'s lends, then to **JOHN MCFARLAN**'s line, then to **BRACKWOOD**'s line & with his line to the River, & up the river to the beginning.

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Quantity of lands not known. I also give to my said daughter **ELIZABETH** the Negro Girl and her increase now in her possession including two children already born, the girl by the name of **JANE**, for her to have and to hold the said land and Negroes, in right and fee simple forever.

5th. I give and bequeath to my daughter **SARAH [LILES] FEAGANS**, wife of **DANIEL FEAGANS** all that tract or parcel of land, lying, on the waters of the Pacolet river, partly in Rutherford County North Carolina and partly in Spartanburg District South Carolina:

Beginning at the point on the River mentioned as the beginning corner of the land division to my daughter **ELIZABETH** and running up the River measured to **BULLINGTON's** or **JACKSON's** line; thence with his line & my line round to a Post Oak, **WILLIAM's** old corner, & corner of the **BULLINGTON** tract, and then a straight line nearly a north direction to **MOORE's** corner, near the old **PATTEN** Shop & near the the head of a branch, and thence with **MOORE's** line, to **JOHNSTON's** line, nearly an easterly course, then with; **JOHNSTON's** line, nearly an easterly course, then with **JOHNSTON's** line to the line of the lands devised to my daughter **ELIZABETH** and with the line of said Lands to the River.

6th. I give and bequeath to my daughter **HARRIETT [LILES]** wife of **ANDREW MCDOWELL**, all that tract or parcel of Land lying on the waters of Pacolet, partly in Rutherford County North Carolina and partly in Spartanburg District South Carolina known by the name of the **WILLIAMS'** tract including all the balance of my lands, lying, on the north side of said River, & composed of that part owned by me, by the name of the **WILLIAMS' & WALKER** Tract. I also give and bequeath unto her the Negro Girl, **GARNETTE** and child, in her possession, by the name of **CHARLOTTE**, with her increases, for her my said daughter **HARRIETT** to have and to hold the said lands and Negroes & increases during her natural life, and then the same to descend to the heirs and representations of her natural body & belong to them in right and fee simple forever.

7th. I give and bequeath unto my daughter **ATHA ADELINE [LILES]**, wife of **JOSEPH BLACKWELL** all that tract of land, on which they are now living, lying on the south side of the Pacolet River in the District of Spartanburg, South Carolina, known as the **BULLINGTON** tract, reference to the beginning etc. to be made to the little paper now in my possession. I also give unto her the Negro Girl, **GARNETTE** and child, in her possession with the increases for to have and to hold the said lands and Negro & increases, during her natural life, and then to descend to the heirs of her body intail and belong to them in proper right & fee simple forever.

8th. I give and bequeath unto my daughter **LILLY [LILES]** wife of **GEORGE BLACKWELL**, all that tract and parcel of Land known by the name of the **PRICE** tract lying at the mouth of White Oak, on the south side of Green River, & on both sides of White Oak including the lower part of said **PRICE** tract, and divided from the upper part, of said **PRICE** tract, and by the following division line:

Beginning at the speculation line where it crosses the old Spring Branch & running down the branch as it meanders to a Sweet Gum and a White Oak, corner of the tract left my step Mother for her maintenance, at Fathers death; thence running on the line of the old tract, a North West direction to a large post Oak, and thence a straight line, something of a west course, to a point crossing the Creek at the mouth of the ditch that makes in a the lower end of the Grassy bottom, and from the mouth of said

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ditch due North to the back line; thence with said line an easterly course to Green River, & down the River to the Chestnut corner & round with the speculation line to the beginning point.

So as to include all the lower part of said tract, as above set forth. I also give and bequeath to my said daughter, **LILLY**, the Negro Girl & Child now in her possession & increases, the Girl named **MARY**, for her to have and to hold the said, Lands & Negroes, and increases, during her natural life, after which it is directed that it descend and belong to her rightful heirs, and legal representations, meaning the heirs of her body, intail, so as to belong to them in right and fee simple forever.

9th. I give and bequeath unto my son **HENRY LILES**, all that tract of Land lying on the waters of White Oak, including the Mansion House, and improvements, where my Father **THOMAS LILES** once lived, included on the lower part by the division line, mentioned in the lands bequeathed to my daughter **LILLY** meaning:

Beginning from the speculation line where it crosses the Branch to the mouth of the ditch and then North Corner to the back line, then nearly a west course with the back line, to the corner; thence with my line & **MCFARLAND**'s to the next corner a south West course, then with the same line to the corner of my tract, **MCFARLAND**'s & **JASON CARSON**'s corner where they all corner, together therewith **MCFARLAND**'s line a northerly course to the same corner mentioned as the corner of my land and **JASON CARSON**'s, on the White Oak crossing the creek & on the dividing line between my lands & **MILLER**'s to the corner of my tract and **MILLER**'s per tract, then a L. E. Course with the line of the **PUE** and **CARSON** tracts crossing the branch, and up to a corner, & then taking all the lands, owned by me on that side to the speculation line, and with said line to the branch or beginning.

I also give and bequeath to my son **HENRY** a Negro boy by the name Of **GOVAN** for him to have and to hold the said lands and Negro forever, in fee simple and proper right.

10th. I give and bequeath to my son **THOMAS LILES** all that tract and parcel of land on which he is now living known by the name **WALKER** lands, lying on the waters of the Broad River in Rutherford County including all the lands I purchased of the **WALKER** representatives, to be made to the title paper now in my possession; I also give and bequeath to my said son **THOMAS**, the Negro Girl now in his possession & increase by the name of **ANGELINE**, for him my said son, to have and to hold the said Lands & Negro & increase during his material life, and then to descend to the rightful heirs, and legal representations, of his natural body, to belong to them in proper, right & fee simple forever, it being understood as directed by me, that said Lands & Negroes are never to be subject to distrust by sale, or made liable in any way for the debts & liabilities of my said son **THOMAS**.

11th. I give and bequeath unto my son **JOHN LILES**, all that tract and parcel of land known as the **STEPHEN CAMP** tract, including with it a portion of my adjoining lands, bounded as follows:

Beginning on a Black Oak corner, it being the corner of my tract, the **CAMP** tract & speculation line, and running thence thence along the speculation line the same course forty poles; thence running parallel

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with the old **CAMP** line, nearly an east course crossing the first and on to the second branch, from thence a straight line to a P. O. or W. O. corner, corner of Camp old tract; thence to a Black Gum, straight corner of my lands and **JASON CARSON's** lands, thence along mine and **CARSON's** Line, to a Red or Spanish Oak, corner of the **CAMP's** Land & **CARSON's** land; thence with **CAMP & CARSON's** line to Mill Creek & round to include the whole of the Camp tract, lands, as well as three or four acres, on the upper part, a lot entry made by myself, the entry of the three or four acres mentioned is bounded by the lands of **JOHN CAMP & JOHN DEAN**, & the old Camp tract, on the upper end.

I also give and bequeath to my said son **JOHN** [LILES] the Negro Girl and increase; now in his possession by the name of HARRIET for him and my said son to have and to hold the said Lands and Negros in his own purpose, right and fee simple forever.

12th. I give and bequeath to my son **ROBERT LILES**, all that parcel or tract of Land, or part of the tract of lane, lying in the County and State aforesaid, on both sides of Green Creek of Green River including the lower part of the Lands on which I am now living, embracing the Mansion House where I am living with surrounding improvement and embracing all the lower part of my said plantation, up to a division line, commencing and running as follows:

Beginning at a Red or Black oak, on the eastern line, near **THOMAS MILLER's** fence where the old road once running through my plantation crosses the road going on to the old mill and running; thence an Western course down the ridge a straight to the Grave Yard & from thence including slightly to the right running to a large forked White Oak on the eastern bank of the Creek near where the cross fence crosses said creek thence along said fence turning slightly to the left along the edge of the woods, but continuing in its western direction crossing at the corner of the fence & up to a large marked red oak & or a black oak, and on the side of the road from thence running slightly to the right a straight line to the forks of the old path or roads, something one hundred or more hundred and fifty yards, to the north of the old family hog pen and running from said forks of road, a straight line to tree marker some woods, located a short distance south of the patch of land cleared up near the old still house and from thence to a branch at a point where there has been some digging for gold, and thence up the branch as it meanders to the back line.

I also give and bequeath to my said son **ROBERT** [LILES] a Negro boy named LEWIS for him my said son **ROBERT** to have and to hold the said lands and Negro boy in proper right and fee simple forever.

13th. I give and bequeath unto my daughter **MARY LOUISA** [LILES] all the balance of the lands and tenements of the Plantation on which I am now living it being the upper part of said plantation lying in the County and state aforesaid on both sides of Green River above the lands bequeathed to my son **ROBERT** being comprised mostly the two tracts or purchases of lands, known as the lands I procured of the Estate **ULAGE** & of **JAMES BLACKWELL**, bounded on the north by the line of the land bequeathed to my son Robert and including all the lands beside account by me above said line. I also bequeath to my said daughter to have and to hold the said lands and Negroes during the continuance of her natural life, after which to descend to the lawful

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heirs and legal representatives of her body, intail & to belong to belong to them in proper right and fee simple forever.

It is my will and I do direct that what other property I have given off already to my children such as Horses, Hogs, Sheep, Cattle, Household & Kitchen furniture & Etc. that they are to retain the same without rendering any accountability therefore whatever and that those not furnished by supplied inconsideration whereof that my daughter **MARY LOUISA** have a young mare named Lightfoot one likely cow & calf four head of sheep, a good sow and pigs, two good hogs, or pork to that amount, one set knives & forks; one dozen plates, set cups and saucers, half dozen bowls, set tea spoons, two tin pans, one bed and furniture beside what feathers she has raised herself with eight counter panes and six quilts, that my son **HENRY & ROBERT** also have one good bed and furniture each with six knives & forks, set cups and saucers, half dozen bowls, set of plates and tea spoons, one dinner pot and pan for cooking.

It is my will that all the remainder of my personal property be sold by my executor in the usual way and that the proceeds thereof together with my money at interest on hand be equally divided among all my children and legal representatives.

Upon further reflection and mature deliberations after the above was written, it is my will, and I so direct, that the lands and Negroes bequeathed above to my said daughter **MARY LOUISA LILES** be held by her free from entailment, that it be construed as given to her to be held in her proper right and in fee simple, to be disposed of sold or aliened as she may choose, under the guardianship and direction of her brother **HENRY** his advisement as such to continue only until she marries, & then to cease and that said property at her death is to descend at her discretion in the usual way, I wish it also understood as my will that as the mansion house and present home of my son **HENRY** and daughter **MARY LOUISA** is bequeathed to my son **ROBERT** that it is directed that they be permitted if they choose to remain at their farm home until the expiration of twelve months after my decease. It is also directed that my daughter **LOUISA** hold in right her chest & that **ROBERT** and **HENRY** also have a chest apiece and that all the remainder of my household and Kitchen furniture be equally divided among my said three Children, **HENRY, ROBERT, and MARY LOUISA**.

I do hereby and by these presents appoint and constitute my son **HENRY** Sole Executor of this my Last Will and Testament.

In Testimony of all of which I hereunto my last will and Testament written on three sheets of paper (meaning I **JOHN LILES** the Testator) subscribe my name and affix my seal, according to the true interest and meaning of these presents, on this the 3rd day of September in the year of our Lord one thousand eight hundred and fifty one.

JOHN LILES {seal}

Signed and sealed. and delivered in the presence of us:

J. M. WEBB (Jurat).
OLIVER ARMS (Jurat).

Executor qualified & obtained letters testamentary & order to sell.
TWITTY, SLOAN & RUCKER

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State of North Carolina
Rutherford County

Court of Pleas & Quarter Sessions

Fall term, 1851

The foregoing instrument was presented in open court for probate as the last Will and Testament of **JOHN LYLES** [Liles], deceased. **J. M. WEBB** and **OLIVER ARMS** the subscribing witnesses to said will being in court and upon being duly sworn proved the due and solemn execution of the same. It was therefore ordered to be recorded and filed away.

HENRY LYLE [LILES], the executor, herein appointed, appeared in court and was duly qualified according to law and obtained letters testamentary and order of sale on said estate.

Present **R. G. TWITTY**, **J. B. SLOAN** and **WILLIAM RUCKER**, esquires on the bench.

R. L. GILKEY, clk