

JOHN PATTON'S LAST WILL AND TESTAMENT

In the name of God: Amen:

John Patton calling to mind the uncertainty of life and certainty of death and being of sound mind and disposing memory, do make ordain and establish this my last will and testament, in manner and form following that is to say:

First. I will and bequeath unto my beloved wife Ann Patton one negro woman named Brady and her increase to be the property of the said Ann Patton and her assigns forever.

2nd. I will and bequeath unto my beloved wife Ann Patton one negro boy named Will, his wife Celia and all their increase, the tract of land on which I now live, all the household and kitchen furniture of every kind (except these feather beds, bedsteads and furniture) four cows and calves, her choice out of my whole stock, two horse beasts choice of the stock at my decease one waggon and gears and all the farming utensils of every kind, all the corn and provisions of every kind which may be on the plantation at the time of my decease, during her natural life.

3rd. I will and bequeath unto my daughter Elizabeth McClachy all the property heretofore given to her by me and now in her possession valued by me to twelve hundred dollars, and one share of stock in the Buncombe Turnpike Company.

4th. I will and bequeath unto my daughter Hannah Kase all the property of every kind heretofore given to her by me and now in her possession valued at twelve hundred dollars, and one share of stock in the Buncombe Turnpike Company.

5th. I will and bequeath unto my daughter Sarah Jarrett all the property of every kind heretofore given to her by me and now in her possession valued by me to one thousand dollars, and one share in the Buncombe Turnpike Company.

6thly. I will and bequeath unto my son Malery E. Patton all the land and property of every kind heretofore given to him by me including one share in the Buncombe Turnpike Company valued by me to three thousand dollars.

7thly. I will and bequeath unto my daughter Polly Smith all the property of every kind heretofore given to her by me and now in her possession valued by me to one thousand dollars and one share of stock in the Buncombe Turnpike Company.

8thly. I will and bequeath unto my son Robert H. Patton all the property of every kind heretofore given to him by me and now in his possession including one share in the Buncombe Turnpike Company valued by me at three thousand dollars.

9thly. I will and bequeath unto my daughter Harriet D. Siler all the property heretofore given to her by me and now in her possession valued by me at one thousand dollars and one share in the Runcombe Turnpike Company.

10thly. I will and bequeath unto my sons Fidilio Patton and Montraville Patton the tract of land on which I now live and all the land joining and continuous thereto, being six tracts and also two tracts of land on Frenchbroad River joining each other, and known by the name of the Mettocks place to be equally divided between them and should they not agree upon the division of said land, then my will is that my son Montraville choose three men to make an equitable and fair division of the same taking into consideration the quality as well as the quantity and after it is so divided my son Fidilio shall have choice of lots - And after the decease of my wife Ann Patton I will and bequeath unto my sons Fidilio and Montraville Patton all the farming utensils of every kind to be divided in the manner above directed

11th. I will and bequeath unto my son Fidilio Patton four negroes (to wit) Sam, Hulda, Sam's wife, Cassa and Dela, Dick's wife, one feather bed bedstead and furniture, five cows and calves his choice out of my stock after the selection heretofore mentioned is made by my wife Ann Patton, and after the death of my wife Ann Patton one table his choice of those about the house six chairs and my clock and case and one share of stock in the Runcombe Turnpike Company.

12th. I will and bequeath unto my daughter Lucinda Roberts all the property of every kind heretofore given to her by me and now in her possession valued by me to one thousand dollars (exclusive of two hundred dollars in the valuation of a negro boy Jim, who was given in consideration of the board and instruction of my son Montraville during the time he has or may remain with Joshua Roberts studying his profession and therefore not to be taken into the estimation of her portion, and one share of stock in the Runcombe Turnpike Company.

13th. I will and bequeath unto my son Lorenzo D. Patton the tract of land known by the name of the Cash place, and all the land adjoining thereto being three tracts in all and supposed to contain three hundred and twenty acres valued at fifteen hundred dollars, one tract on the East side of Frenchbroad River at the mouth of Roberts branch before the mouth of Flat creek valued at one hundred dollars, three tracts of land lying on Avery's Creek contiguous to each other and supposed to contain seven hundred acres valued at five hundred dollars, three negroes (to wit) Jeff, Clary and Aquilla valued at nine hundred dollars, five cows and calves, one feather bed bedstead and furniture and one share in the Runcombe Turnpike Company and after the death of my beloved wife Ann Patton six chairs, the desk, book case and table and the new corner cupboard.

14th. I will and bequeath unto my son Montraville Patton one horse bridle and saddle to be worth one hundred dollars, one feather bed bedstead and furniture, five cows and calves, three negroes named Harry, Campbell, and Martha and one share in the Burcombe Turnpike and after the death of my wife Ann Patton one table six chairs and my side board.

15th. I will and bequeath unto my daughter Ann A. Gillean all the property heretofore given to her by me and now in her possession valued by me at one thousand dollars and one share in the Burcombe Turnpike Company.

16th. My will is that at my death my negro man Dick be emancipated and set at liberty her having performed many meritorious services and that my son Fidilio suffer him to settle on any part of the uncultivated land, hereinbefore bequeathed to him and that he have liberty to clear and cultivate as much of said land as he chooses during his natural life free from any charges or claims of the said Fidilio or any person claiming under him, and should the laws of the state at the time of my decease be such as to prevent the said negro man Dick from being set free my will is that he be the property of my son Fidilio Patton.

17th. I will and bequeath that all the rest of my property of every kind not herein specifically devised be sold by my executors on a credit of twelve months and that the proceeds of the sale after paying all my just debts at the time of my decease be divided amongst my seven daughters, to wit, Elizabeth McClachy, Hannah McAfee, Sarah Jarrett, Polly Smith, Harriet D. Eiler, Lucinda Roberts and Ann A. Gillilan or the heirs of their bodies, should any of them be dead before my decease in such manner as to make the portion of each one equal taking into consideration the amount already recd by each at the value hereinbefore set on it by me and at the death of my wife it is my will that all the personal property hereinbefore bequeathed to her during her natural life and not specifically bequeathed after her death be sold by my executors at public sale on a credit of twelve months and that each of my sons recd. one hundred dollars of the proceeds of said sale and that the balance of the money arising from said sale be divided amongst my seven daughters above named in the manner before mentioned.

I do hereby constitute and appoint Fidilio Patton and Joanna Roberts Executors of this my last will and testament, hereby revoking all former wills by me made. In witness whereof I have hereunto set my hand and seal this 18th day of April, 1827.

(Signed) John Patton (Seal)

Witness

James Patton
Fidilio Patton
Samuel his Patton

Mark