

Reverend John Wesley Heptinstall died testate in October of 1891 survived by his second wife, Cornelia Eloise Boddie Moore Heptinstall, and children, Eugenia Atkins Clark Jackson, Harriet Heptinstall, Ellen Ann Soule Newsom, and John Olin Heptinstall. Two sons predeceased him, Henry Hammet who died in 1863 and Philmer Bangs who died in 1865. Both sons were Confederate soldiers. Henry Hammet died at home of natural causes from disease contracted while serving in the Confederate Army. First Lieutenant Philmer Bangs died in battle near Fort Stedman, Virginia, while commanding Company B of the 26th North Carolina Regiment.

In his Will, recorded in Will Book 51 at Page 320, Office of the Clerk of Superior Court of Warren County, Reverend Heptinstall gave his wife, Cornelia, the home in Littleton at the corner of Mosby Avenue and Harvey Street where they were residing. He also gave to her during her natural life 60 or 70 acres between Perry's Store and Warrenton. He loaned to his daughter, Eugenia Atkins Clark Jackson, the home in which she was living during her natural life and after her death to be equally divided between her children. He loaned to his daughter, Anna S. Newsom, all of his right and interest in the home and lot where she was living on New Street during her natural life and at her death to be equally divided among her children. He loaned to his son, John Olin Heptinstall, the old Heptinstall residence, the storehouse, all the other outhouses, and 400 acres of land around the old residence. Next, he also loaned the portion of the old plantation not selected by John Olin Heptinstall, the Jackson place, the Murphy place, the 500-acre Henry Higgs and James Alston place, the Powell plantation containing 744 acres, the John Faulcon place containing 212 acres, the Piney Ford place containing 84 acres, the 36 acres near Perkins Mill, the Haimill place containing 111 acres, the Green place containing 434 acres near Roper Springs, the 90-acre Thomas and Dillehay places near Gaston, the 31.5-acre June Crawley land, and the reversionary right to the Perry land to his daughters, Eugenia and Anna, and his son, John Olin, "to be enjoyed by them during their natural lives and after their respective deaths each part thus loaned to them shall be equally divided among their children. The real estate mentioned above shall not be sold or mortgaged by my children or grandchildren. The real and personal property shall be equally divided among my three children. If they cannot agree as to the division of the property, both real and personal, and each child select a good man who shall divide it for them and what they do shall be final."

By deed dated 1891 and recorded in the Office of the Register of Deeds of Halifax County in 1901 in Book 141 at Page 374, the three above named children of Reverend Heptinstall and their respective spouses agreed upon a division deed wherein Annie S. Newsom was conveyed and quit claimed unto her a portion of the home place containing by estimation 499 acres, the John Faulcon place containing 212 acres, and one-half of a 40-acre tract on the Halifax Warrenton Road. Said deed conveyed the above property to Annie S. Newsom "for the term of her natural life and at her death to go to her children according to the true intent and meaning of the Last Will and Testament of the said John Wesley Heptinstall." Mrs. Eugenia Atkins Clark Jackson was conveyed in said division deed the Higgs tract containing 500 acres, the Green tract containing 430 acres near Roper Springs, three acres in the Town of Littleton, a tract near Gaston containing 90 acres, a tract containing 84 acres known as the Piney Ford place, and finally the Crawley tract containing 30 acres in Brinkleyville Township. Said deed also restricted this ownership for and during her natural life and at her death to her children. John Olin Heptinstall was deeded and

quit claimed that portion of the house tract not previously conveyed to his sister, Annie S. Newsom, the 400 acres which was devised to him in his father's Will, the Haimill tract containing 112 acres, and the Powell tract containing 740 acres to have and to hold said property for his natural life and at his death to his children.

In civil superior court action recorded in the Office of the Clerk of Superior Court of Halifax County in Judgment Book 10 at Page 243 entitled John Olin Heptinstall versus M.E. Newsom, et ux, et als, Superior Court Judge W.R. Allen in civil action brought by said John Olin Heptinstall for a court ruling regarding the language in Reverend John Wesley Heptinstall's Will, Judge Allen ruled as follows:

- 1) That Cornelia B. Heptinstall held an estate in fee to the home in Littleton and a life estate in the tract of land between Perry's Store and Warrenton containing 60 or 70 acres with remainder to John Olin Heptinstall, Mrs. E.A.C. Jackson, and Mrs. A.S. Newsom;
- 2) That the Plaintiff, John Olin Heptinstall, took an estate in fee simple to the old Heptinstall home and 400 acres of the Heptinstall farm;
- 3) That Cornelia B. Heptinstall owned an estate for life in the real estate referred to in the Will as "loaned to her during her natural life" with remainder in fee to the Plaintiff, John Olin Heptinstall, and Defendants, Mrs. E.A.C. Jackson and Mrs. A.S. Newsom;
- 4) That so much of the said Last Will which read that the real estate mentioned shall not be sold or mortgaged by the grandchildren of the said John Wesley Heptinstall is void and of no effect.

No mention is made in the superior court ruling above set forth regarding the real properties bequeathed to Eugenia A.C. Jackson and Anna S. Newsom or the properties deeded to said two daughters in the division deed between John Olin Heptinstall and his two sisters, E.A.C. Jackson and A.S. Newsom.

The above civil superior court action was appealed to the North Carolina Supreme Court and in decision dated 19 February 1908, the North Carolina Supreme Court ruled that it concurred in the correctness of the decree of Judge Allen and that it could see no ground upon which to base jurisdiction and that a declaration of opinion by the N.C. Supreme Court would be merely in the abstract until existing rights come in conflict. The action and appeal were **therefore dismissed.**

My mother, Hannah, her sisters, Louise and Kathleen, and her brothers, James Olin, John Wesley, and David, lived with their parents, John Wesley Heptinstall, II, and Myrtle Flythe Heptinstall, in the house on the above mentioned Jackson place a good portion of their lives until the death of John Olin Heptinstall in 1922. The Jackson place is shown and depicted upon survey map of the Estate of John Olin Heptinstall recorded in the Office of the Clerk of Superior Court of Halifax County in Map Book 1 and 2 at Page 97.