

In the name of God Amen
 I Frances Eliza Bain of the County
 of Chatham & State of North Carolina
 being in sound and disposing mind &
 memory and being desirous of settling
 my worldly affairs while I have strength
 & capacity, do make and publish this
 my last-will and Testament, hereby
 revoking and making void, all other
 wills by me at any time heretofore made
 First and principally I commit my
 soul to the hands of Almighty God
 to be saved through the merits of my Saviour
 and Redeemer and whatever worldly
 estate where-with it has pleased God to
 bless me I dispose of as follows

I do give and bequeath a certain negro
 woman named Nancy and her two
 children Hagar & Mary with any others, she may
 hereafter have to my friend Joseph Small
 in special trust and confidence for the sole
 & exclusive & separate use & benefit of my daugh-
 ter in law Martha Ann Bain wife of my
 son Wm. F. Bain & to be no way subject to, or
 liable for any the debts of her said husband
 & at her death my will & desire is that my said
 friend Joseph Small shall hold the said slaves
 & their increase in trust for the exclusive use
 & benefit of such children of the said Martha
 Ann Bain & her Husband Wm. F. Bain
 as she may leave at her said death &
 the said Trustee or his Exor or Adm or the coming
 of age or marriage of the eldest of said

Children shall convey on a pure to
 such child & sold such as they come
 to age or marry the rateable share of
 said slaves & their increase as may
 upon an equal division be due to
 each: And in case of the death of my
 said daughter in law Martha Ann
 Bain without leaving issue of her
 marriage with my said son Wm. Bain
 & before the death of the said H. T. Bain
 it is my will & desire that my said
 Trustees, Exrs or Adms shall annually pay
 over to my said son the hire of said
 slaves & their increase but that the
 said slaves & their increase shall not
 be liable for the debts of my said son
 William I give and bequeath to my
 friends Lehat Williams & Malcome
 Small their Exrs or Adms my neg^r woman
 named Cornelia & her child Fred & her
 future increase in special trust and
 confidence for the sole, separate, & exclu-
 sive use & benefit of my daughter
 Elizabeth M. Linn Small for and during
 the term of her natural life but to
 be in no way liable for or subject
 to the payment of any debts of Joseph
 Small, her husband & in case of the
 death of my said daughter Elizabeth
 before that of her husband Joseph Small
 my will & desire is that the said Trustees
 do permit the said Joseph Small to
 have the use of the said slaves &
 their increase or pay over to him annually

394

the hire of said negro at his option
son and during the natural life of
said Joseph Small & upon the death
of the said Joseph Small & Elizabeth McLean
Small my will and desire is that the said
Truities or their Exors or adm^r convey the said
slaves and their increase to my Grandchildren
Joseph Small and Frances J. Small equally and
alike & in event of the death of both the said
children after that of their parents and leaving
no brother or sister then my will and desire
is that my said Trustees their Ex^rs & adm^r shall
convey to my grand daughter Elizabeth France
Bain & each other child or children as may
be the issue of my son Wm^d Bain's present
marriage, the said negroes & their increase
share and share alike I give & bequeath
to my said Friends L. J. Williams and
Mr. Small in trust, for the sole & separate
use of my daughter Elizabeth McLean Small
& her children, three beds two tables a side
board & half a dozen chairs.

I do hereby constitute and appoint my son
in law Joseph Small & my son Wm^d T. Bain
Exors of this my last will and Testament

In Testimony of all which I have hereunto set
my hand & affixed my seal this 27th March 1838

Signed sealed published &
declared by the Testatrix in the
presence of us, who signed the same
in her presence & in that of
each other this 27th March 1838

M. D. Waddell
P. Lempriere

Frances Bain (Seal)

May ~~August~~ Term 1838 93
Court of Pleas & quarter sessions

The execution of the foregoing
Last will and Testament of Francis
Eliza Bain was duly proven in open
court by the oath of M. D. Waddell
a subscribing witness thereto & the
Executors Joseph Small & Wm^d T. Bain
qualified as such

Test -

W. D. Taylor

I David Vital of the County of
Chatham and State of North Carolina
being not in very good health but of
sound mind and memory & consid-
ering the uncertainty of life do make
& declare this my last will & Testament
in manner & form following that is
to say first - that my Executors hereinafter
named shall provide for my body
a decent burial & pay all funeral expen-
ses together with my just debts out of
the moneys that may first come into
their hands as a part or parcel of my
estate. Then I give allow & desire my beloved
wife Rebecca Vital to have her choice
of my house to live in & privilege that
is necessary for her convenience also of
making or having made for her a wife
joint support - for her maintenance
on the land whereon I live during her
widowhood or life time also I give