I Sarah Swann of the County of Cumberland & State of North Carolina being of sound & disposing mind & memory, revoking all wills by me heretofore made, do make, ordain, publish & declare, this to be my last Will & Testament in manner & form following viz. — I hereby constitute my son John Swann & his son Frederick J. Swann both of the County of Moore & State aforesaid & the survivor of them, this Executor and Executor of this my last Will & testament after the payment of my just Debts & charges I dispose of my Estate as follows—

I give and bequeath unto my said Executor and the survivor of them and to the Executor, or Executors, administrator or administrators of such survivor the following negro Slaves, viz Nick, Henry, Joseph, William, Sam, Hannibal, Ned, Nancy, Mary Ann, Rachel, Kitty, Clara, and her two daughters Sally & Nelly and & her three sons William Henry, Jim & York; to have & to hold the same to the uses and trusts following, to wit, for the sole separate use and benefit of my daughter-in-law Ann Sophia Swann, (exclusive of the jus mariti of her present Husband Frederick J. Swann or of any future husband,) and of her children Sarah, Betsy, Ann, James, Samuel and William Swann them and their heirs & assigns forever. And I hereby authorize and empower my said Executor or either of them to hire out the said slaves & to receive the money for the same for the use & benefit of my said daughter-in-law Ann Sophia Swann & her children aforesaid & to exercise a general control & direction of said negroes in such way as shall seem best to them or the survivor thereof, & his Executor or Executors, administrator or administrators for the interest of the said Ann Sophia Swann & her said children for and during the minority of my grandson the said William Swann and when he arrives at the age of twenty one years, or in the event of his death before that period, then upon the arrival of lawful age (twenty one years) of the then youngest surviving child, all of the said negroes & the increase of the same are to be equally divided among & the children then living (that is to say the children herein mentioned & no others) & their Mother if alive share and share alike — in addition to the

above mentioned property I give and devise unto my said Executor & to the Survivor of them & to the Executor or Executors administrator or administrators of such survivor my plantation in Cumberland County, in special trust and confidence however for the sole and exclusive use & benefit of my said daughter-in-law Ann Sophia Swann & her children herein before mentioned & to no others, exclusive of the jus mariti of her present husband or any future husband, to be occupied & possessed by her & her said children as a home as their common property, provided however that if my said daughter-in-law shall refuse & decline to reside on my said plantation after my death, that all right & interest hereby given & devised to my Executor for the use & benefit of her & her said children shall cease and end, and in the event that my said daughter-in-law Ann S. Swann should refuse to reside upon said plantation, then & in that event I give & devise the aforesaid plantation together with an old man named Dave & the stock on said plantation to my grandson Frederick J. Swann (son of my son John) to him and his heirs forever. Should the said Ann S. Swann however reside on my plantation then I also give & bequeath to my said Executor the said negro Dave & the stock on the plantation with the same trusts and limitations as mentioned above with reference to the other property, for the benefit of the said Ann Swann & her children—

All the residue of my property of every description (except two negro women Cecil & Lucy & the children which they now have and their future increase now of which do I designed to give hereby to anyone) I give and bequeath to the children of my daughter Mrs. Mariah Toomer & of my son John Swann to be equally divided among them share and share alike.

In witness whereof I have this 25th day of January A.D. 1845 to this my last will & testament set my hand and affixed my seal

Sarah Swann (Seal)

signed sealed published & declared by the above named testator Sarah Swann as for her last will & testament in the presence of us, who at her request and in her presence, and in the presence of each other have subscribed our names as witnesses thereto.

Witness

John A. Hanks
John S. Toomer

Cumberland County November Sessions 1845

This certifies that the foregoing last will & testament of Sarah Swann dec'd was proved in open Court by the oath of Jno. A. Hanks a subscribing witness thereto —

Test, M. McLeidman C.C.C.