

IN THE NAME OF GOD AMEN. I, William Herritage, of Craven County, in the Province of North Carolina, Gent., Being Weak in Body But of Sound and Disposing Mind and Memory, Do this Eighth Day of March, in the Year of Our Lord, One Thousand, Seven Hundred and Sixty Nine, make and Declare this to be my Last Will and Testament in manner and Form following, that is to say:

Imprimis. I Will and require that my Body be Decently Interred at the Discretion of my Executors hereinafter named; and that my Just Debts and Funeral Charges be first paid and satisfied.

Item. I give and Devise to my Son, Heneage Herritage, the Land and Plantation where on I Dwell, commonly called

Springfield, on the East Side of Jemmys Creek; the Land I bought of George Metts, lying on the West side of Jemmys Creek; and Fifty Acres of Land, which I took up in the front of the said Land I bought of George Metts, and Patened in my own name. Also, the Land I had of Adam Moore, Grand Father to my said Son, Heneage, called Jemmys Neck lying on the East side of Jemmys Creek, at and below the Mouth thereof; and Five hundred and twenty Acres of Land joining the above mentioned Land, Called Springfield, and the Lands of Adam Moore & others as per. the Patent for the same will at large appear, And to his Heirs Male Lawfully Begottn; and in default of such Issue, to my right Heirs forever. I also Give and Devise to my said son, Heneage Herritage, one Lott of Land lying in Newbern Town, and known in the plan of the said town by the number (21) to him and his Heirs and Asignes forever.

Item. I Give and Bequeath to my said Son, Heneage Heritage, One Negro Man Named Mingo, One Negro Man Named Sherbro, One Negro Woman Named Tamer, One Negro Man Named Ben, One Negro Man Named Bill son of a Negro Woman named Bettress, One Negro Man Named Sam, one Negro Woman named Betto, one Negro Woman Named Kate, and all the Children she, the said Negro Woman Named Kate now hath or hereafter shall have, one Negro Woman Named Tortola and one Negro Child named Phebe, And to his Asignes forever.

Item. I Give and Devise to my Son, John Heritage, all that Tract of Land or Plantation Called Harrow, Situate in Dobbs County (but formrly Called Johnson County); and also my other Lands adjoining or lying or being within three miles of my said Plantation called Harrow; and also my Land on the North side of Neuse River called Atkins Banks, containing as per Patent, Six Hundred and Forty Acres: be the same more or less, and whereon the Town of Kingston now is Situate And to his Heirs Male Lawfully Begotten Forever and In Default of such Issue to my Right Heirs forever.

Item. I give and Devise to my said Son, John Heritage, one Lott of Land situate lying & being in New Bern Town, and known in the plan of the said town by the number (79), and to the Heirs Male lawfully begotten of his Body forever; and in Default of such issue then to my Right Heirs forever.

Item. I Give and Bequeath to my said son John, Heritage, One Negro Man Named Pompey, one Negro Man Named Joe, one Negro Man Named Peter (a cooper), one Negro Man Named Jack, who once belonged to John Williams, One Negro Woman Named Venus, Daughter of my Negro Woman Named Phillis, one Negro Woman Named Maria, one Negro Boy named Solomon, one Negro Boy Named Jacob, one Negro Girl named Moll,

one Negro Woman Named Lucy, and one Negro Boy Ben, her son, and also the Money due me by Bond from Stephen Lee for a Negro Woman Named Venus, which I sold to him, to the said John Heritage and His Asignes forever.

Item. I Give and Devise to my Son, William Martin Heritage, all that Tract of Land or Plantation Situate in Craven County, Commonly Called Fort Barnwell, and also all my lands Contiguous and adjoining thereto, and within three miles of any part thereof, which I now have or hereafter may have take up or purchase; And also, four hundred Acres of Land I Bought of Robert Hays, Situate in Dobbs County (but then called Johnston County), and also, all the Land I have, Or shall take up, or Purchase, adjoining the same, and to his Heirs Male, Lawfully Begotten forever; and in Default of such Issue to my Right Heirs forever. I also Give and Devise to my said son, William Martin Heritage, one Lot of Land Situate In the Town of New Bern, and known in the Plan of The said Town by the Nimber (22) and also the Front of the said Lot, to hold to him and his Heirs Male Lawfully Begotten, forever, and in Default of such Issue to my Right Heirs forever.

Item. I Give and Bequeath to my said son, William Martin Heritage, one Negro Man Named Scipeo, One Negro Man Named Caesar (a cooper), one Negro Man Named Tom, one Negro Man named London, One Negro Woman Named Jude Daughter of my Negro Woman Named Phillis, one Negro boy named Tom, one Negro Boy named Stephen, one Negro Man Named Balaam, one Negro Girl Named Suse Daughter of my Negro Woman Named Judith (Stephens Wife), one Negro Girl Named Winifred, and one Negro Girl Named Abigaal, two others Daughters of my Negro Woman Named Big Bess, and one Negro Boy Named Virgil son of my Negro Woman Named Priss, and to his Asignes forever.

Item. I Give and Devise to my Son in Law, Richard Caswell, a Piece or Parcell of Land, Situate in Dobbs County near Bear Creek, and above the Land Commonly Called Judge Smiths, on the North side of Neuse River, at or near a place called Herritages's Banks and the Lot or Land Situate in New Bern Town on the North Side, whereon Mary Dupree lived, and is known in the Plan of the said Town, by the Number (190), to him and his Heirs and Asignes forever; and also one Negro Man Named Prince, one Negro Woman Named Big Rose, one Negro Woman Named Phillis, one Mulatto Boy Named Hesketh, one Negro Boy Named Isaac, one Negro Girl Named Sabina and one Negro Man Named Stephen, and to his Asignes forever for the use and subject to the Incumbrances herein mentioned that is to say; That He, the said Richard Caswell, his Executors or Administrators, shall Annually pay to my Daughter, Susanna, and During her Nateral life the Sum of

Forty Pounds, Proclamation Money, one Fourth part thereof to be paid to her once in every three Months in each Year, during the Time of her life, Which said Forty Pounds to be paid as aforesaid, I Give to my said Daughter for her separte Maintenance and Support, without being subject to the payment of Debt or Debts now due, or which may hereafter become due, to any person or perscns from the present Husband of my said Daughter, or to his will or demand in any Respect Whatsoever; And the said Negro Man Named Stephen to be Employed in Tanning and Making of Shoes for my several Children herein mentioned and their Families and Slaves.

Item. I Give and Devise to my Daughter, Elizabeth Heritage, one Lot of Land Lying in NewBern Town whereon Mary Dupree formerly Dwelt, being a Corner Lot and Numbered in the Plan of the Said Town (191), and also one other Lot of Land lying in the said Town of NewBern and Numbered in the Plan of the said Town (84), and to her Heirs Male Lawfully Begotten forever and for Default of such Issue then to my Right Heirs forever.

Item. I Give and Bequeath to my said Daughter, Elizabeth Heritage, one Negro Man Named Jack, which I bought of Mr. John Campell, one Negro Woman Named Clarinda, one Negro Woman Named Judith (Stephens wife), one Negro Man named Harry, one Negro Boy Named Carolina, one Negro Man Named Mercury, one Negro Woman Named Big Bess, one Negro Girl named Jenny, Daughter of Big Bess, one Negro Girl Named Moll, Daughter of Clarinda, one Negro Girl Named Amy, and one Negro Boy Named Sam, the Two Children of Tamer, one Negro Boy Named Jupiter, one Negro Girl Named Hannah Daughter of Tortola, and one Negro Woman Named Priss, and to her Asignes forever.

Item. I Give and Devise to my Son in Law, Richard Caswell, Thirty Eight ft. of Land in Front, lying in NewBern Town running Easterly and Westerly and Southerly Down or across near the mouth of Trent River, which said piece of Land I bought of Nicholas Routledge, and is the same whereon my two Stores are situate, opposite the Lot Known in the Plan of the said Town by the Number (15) with its Appurtenances, to hold to him his Heirs and Asignes forever.

Item. I Give and Bequeath to my Daughter, Anna, now Wife of George Lovick, Esq., One Negro Woman Named Little Rose, one Negro Man Named Cado, son of my Negro Woman Named Clarinda, one Negro Man Named Frank, one Negro Girl Named Sall, Daughter of my Negro Woman Named Judith, and one Negro Man Named Billey, my late Waiting Man, and to her Asignes forever.

Item. I Give and Bequeath to my Daughter Sarah, Now Wife of Richard Caswell, one Negro Man Named George, one

Negro Man Named Moses, his Brother, one Negro Man Named Cato son of my Negro Woman Named Phillis, one Negro Boy Named Daniel son of my Negro Woman Named Tamer, one Negro Woman Named Judy Mother of my Negro Woman Named Tamer, and one Negro Woman Named Rachel, And to her Asignes forever.

Item. It is my Will and Desire that my Son in Law, Richard Caswell have the Tuition and Guardianship of my Daughter, Elizabeth Heritage, and my Son, William Martin Heritage, and I do appoint the said Richard Caswell Guardian to my said Daughter and Son accordingly during their Minority.

Item. I will and Ordain that the Executor of this my last Will and Testament shall, with all convenient speed for and toward the performance of this my last Will and Testament (after my Decease) Bargain, Sell and Alien all those my Lands I shall be possessed of at my Death, except such as are by this Will Specially Given and Devised, and for the Doing, Executing and perfect finishing whereof I do by these Presents Give, Grant, Will, and Transfer to my said Executors and the Survivors or Survivor of them full power and Authority to Grant, Alien, Bargain, Sell, Convey, and Assure all my said Lands Except as before Excepted, to any Person or Persons and their Heirs forever, by all and every such Lawfull Ways and Means in the Law, as to my said Executors or Survivors or Survivor of them, as their Council Learned in Law shall think Necessary.

Item. I Will and Desire That all the rest of my Personal Estate not herein particularly Given, be sold at Public Vendue to the Highest Bidder at twelve months Credit, the Purchaser or Purchasers to Give Bond with Sufficient Securities, on Interest, before the Delivery of the Article or Articles, he, she or they, may or shall Purchase, and the Monies arising therefrom, together with the Monies arising from the sale of my Lands above directed to be sold, together with my outstanding Debts be Divided Equally among my Children hereafter Named, that is is to say: my Son Heneage Heritage, my son John Heritage, my son William Martin Heritage, my Daughter Sarah Caswell, wife of Richard Caswell, my Daughter Anna Lovick, wife of George Phenny Lovick, and my Daughter Elizabeth Heritage, they first paying thereout to the Children my Daughter Susannah may, have Lawfully Begotten before she shall be a Widow if it shall so happen, on the arrival of the Eldest of them to the age of Fourteen Years, the sum of Fifty Pounds Proclamation Money with Interest from the Sale of my said Estate above mentioned until the same shall be paid to the said Children of my said Daughter Susannah, but in case she shall * * * * arrive to the age of Fourteen, that then and in such case the said Fifty Pounds above men-

tioned shall be paid to her my said daughter Susannah with the Interest due to the time the same shall be paid her, for her own proper use and behoof forever.

Item. I Will and Direct that my Executors hereafter named, out of the Monies arising by and out of the sale of my Lands and Personal Estate above directed to be sold, pay unto the Servant I may have living with me as a House keeper at the time of my Death, the sum of Ten Pounds Proclomation money Unto whom I give and Bequeath the same forever, to be paid within Six months after my Decease.

And Whereas I, the Said William Heritage, some time between the Years of our Lord, one thousand seven hundred & forty four, and One thousand seven hundred and forty eight, did by four several Deeds of Gifts Give to foure of my Children, to wit: Heneage Heritage, Sarah Heritage, Anna Heritage, and Susannah Heritage, Sundry Pieces or parcels of Land lying in Craven and Johnston Counties; and also sundry Goods and Chattels, Which said Several Deeds I kept in my own Custody not having suffered them or any of them to be proved or acknowledged in order to Alter, Destroy, and Revoke, or other wise to make void the same as I thereafter should or might think proper, Since the Execution of which said Deeds, the same are lost, mislaid or privately taken out of my Custody so that I could not now cannot Alter, Revoke, Destroy and make void the same as my intention is to do could I find and get Possession of them, Wherefore, to prevent any Disputes or Law Suits which may arise Between my Children after my Decease, for or by Reason of, the Gift to them, or any of them of any Lands, Goods or Chattels, contained or mentioned in the above mentioned Deeds, which said Deeds I do hereby Revoke, Disannull, and Make Void, to all intents and purposes as if the same had never been made, Therefore, it is hereby, Provided always, and my further Will is, and I hereby Expressly Declare, that if my Son or Sons, Daughter or Daughters, Legatees, and Divisees herein mentioned or their or either of their Husbands, or their or either of their Heirs, or other Legal Representative or Representatives, shall at any time hereafter Controvert or Oppose any Part of this my Will, or shall Obstruct or hinder the admittance of all or any of the before mentioned Legatees and Devises or their Heirs, or any other Legal Representatives or Representative, of, in, or to, any of the Hereditaments, Lands, Tenements, Goods or Chattels, or other the Premises hereby Respectively given them as aforesaid, or shall at any time after such their, or any of their Admittance and Possession either in Law or Equity or otherwise Molest, Sue, or Trouble any such Legatee or Divisee whereby, to put him, them, or any of them, out of or get, or take possession of the same Premises or any part

thereof, for or by Reason of the Deeds of Gifts as aforesaid Made and above mentioned, or for, or upon account of my not having cancelled or otherwise made Void the same * * * but not otherwise, & I hereby Revoke and make Void the Legacy, Estate, Share, and Interest of her, him or them, my above mentioned mentioned Son, or Sons, Daughter, or Daughters, Legatees or Devisees aforesaid. or her or their Respective Husbands, and of their Respective Heirs, Executors and Administrators, and other Legal Representative or Representatives, of, in and unto, the before mentioned Legacies and Devises so given to them as aforesaid, and then, and in such case, but not Otherwise, I hereby Give, Devise, and Bequeath all such said Estate & Estates, Legacies, and Bequests hereby given, from such of them, my said Son or Daughter, or their, or either of their, Legal Representative or Representatives as shall so Contrevert, Obstruct, oppose or Molest all, or any of the before mentioned Legatees or Divisees in manner aforesaid, unto such Legatee or Legatees, Devisee or Devisees, who by Means thereof shall be Prejudiced or suffer thereby, the same to go and be paid to * * * use of, and be paid to such Legatee or Legatees, Devisee or Devisees so Prejudiced, and to their Respective Heirs, Executors and Administrators, or other Legal Representative or Representatives proportionably according to His Her, or their, loss or damage sustained by means thereof. Provided, nevertheless, that if my said Son or Sons, Daughter or Daughters, Legatee or Legatees, aforesaid and all other persons Lawfully Claiming Any Estate, Right or Interest of in or to the Premises by, from or under them,—either of them shall and do as soon as may be, or can be after my Decease Ratify and confirm this my Will, and also Release unto the said other Legatees or Devisees Respectively all their Estate Rights Title and Interest of, in, and to the several Estates, Monies, Legacies, Devises & Premises so by me hereby Respectively Given as aforesaid, then;—and in that case, the last before mentioned Proviso shall be void and of none effect, anything therein contained to the contrary in any wise Notwithstanding. And Lastly, I hereby Make, and Ordain, and Appoint, my Son in Law, Richard Caswell, and my Sons, Heneage Heritage and John Heritage, Executors of this my Last Will and Testament, which is comprised in three sheets of paper Wrote on Every side thereof, hereby Revoking all other and former, Wills by me heretofore made, and Ratifying and confirming this to be my Last Will and Testament and none other.

In Wittness whereof, I have hereunto put and affixed my Hand and Seal the day and year first above written.

WILLIAM HERRITAGE (Seal)

Signed, Sealed, published and
Declared by the said William

Heritage as and for his Last Will and Testament, in the presence of us who have Subscribed our Names as Wittnesses, and not only Wittnesses to the signing on this Sheet but also to the Testator affixing his Name to Two other sheets which are to this annexed and the whole complete his Will.

———— BAYLEY (?)

WILL, BANKS.

DANL. BARRY.

CODICIL.

I, William Heritage, of Craven County, Gent., do this tenth day of April in the year of Our Lord, One Thousand, Seven Hundred and Sixty Nine, make and Publish this Codicil to my last Will and Testament, in manner following, that is to say:

I Give and Bequeath to my Son, Heneage Heritage, my Gold Watch and One Negro Girl named Bella and to his Asignes forever. Also, I Give and bequeath to my Son, John Heritage, my Silver Watch, commonly worn by my Son, Heneage Heritage.

And whereas, in and by my last Will and Testament I have Given and Devised to my aforesaid Son, Heneage Heritage, the Land a Plantation whereon I Dwell commonly called Springfield on the East side of Jemmys Creek, and sundry other Tracts or Parcels of Land Situate in Craven County adjoining the same, which are Particularly described in and by my said last Will and Testament and to his Heirs Lawfully Begotten, and in Default of such Issue to my Right Heirs forever; and whereas, I am Apprehensive it will be for the Benefit and Advantage of my said Son, to have a Fee Simple Estate in all those Lands, I do therefore give and Devise to my said Son, Heneage Herritage, all those Lands commonly called Springfield and other Tracts or Parcels of Land Adjoining the same, which are Particularly mentioned and Described in my last Will and Testament to be given and Devised to him, in manner aforesaid, To hold to him and his Heirs and Asigns forever, without any manner of Limitation or Condition whatsoever, any thing in my said last Will and Testament to the Contrary Notwithstanding.

And lastly, it is my Desire that this Codicil be annexed to and made part of my last Will and Testament to all intents and purposes.

In Wittness Whereof, I have hereunto set my Hand and Seal the Day and Year above written.

WILLIAM HERRITAGE, (Seal)

Signed Sealed Published and
Declared by the above named
William Herritage, as a Codicil
to his last Will and Testament in
the Presence of us:

DAVID GORDON.

^{her}
MARGARET X WIGGINS.

^{mark}
ELIZABETH BLOUNT.

RD. CASWELL.

Copied from Original Will, filed in the Office of the Secretary of State.