

(157) In the Name of God Amen

I Joseph Whitley of the County of Jones and State of North Carolina seriously considering the uncertainty of life and mindful of the obligation upon every man to leave his affairs in order do make and ordain this my last Will and Testament in manner and form following

Imprimis It is my desire that my Executor herein After named should liquidate and pay all my just debts and to facilitate which I wish all my Negroes and Stock as they now are to be kept on my Plantation till the Crop of the present year is made harvest and disposed of after which I wish all my property not herein after devised sold at public sale and all debts due and collected as speedily as convenient.

Item I give to my Son Joseph C. Whitley all my lands whereon I live including the Water and Steel and a portion of the Dark land to him his heirs and assigns forever.

Item I lend to my Daughter Mary C. Kinsey during her natural life under the Control and subject to the management for the benefit of her my said daughter of my Friend James W. Howard whom I hereby appoint Trustee to superintend said business as he may deem most beneficial to her my said daughter the following named Negroes Amy, Catey, Dick, Phibby, Fanny, William, Phillis, David, Maria, and Ben, also all my right and interest in and to the following named Negroes Stephen, Jack and Maria, and should my said daughter Mary C. Kinsey leave Children of her own body living at her death then I give the above named Negroes together with their increase to such Child or Children of her my said daughter to be Equally and fairly divided should there be more than one Child but if my said daughter Mary C. Kinsey leave no Child at her death then I give the said Negroes and their increase to my Son Joseph C. Whitley to him his heirs and assigns forever.

Item I give to my Son Joseph C. Whitley the following named Negroes Creas, Pat and Child Francis, Mahala, ^{Leah} Mary, Randal, William, Cornelius, Dolly, John, Thomas, Hagar, Seph, Liza, Sam, Sophia, Sarah, Sam, Mappa, James and Child Thomas, William, Liza, and Luke also my man green this to him his heirs and assigns forever.

Item I give to Edward Whitley the following named Negroes (Dana, Harry) and Anaca to him his heirs and assigns forever, I would mention for the satisfaction of all concerned that the Negroes in my Possession passed by the Will of Silby Jones and not herein named, I am advised will descend equally to all the Children of my late wife Nancy to which Negroes I have no other claim than that of my two Children Mary C. Kinsey and Joseph C. Whitley except that I chose the interest of the late Edward J. Ferrana, and George W. Ferrana in and to said Negroes subject to my claims on them the said Edward J. Ferrana died and George W. Ferrana for money loaned them and paid out for them for a part only of which I have this obligation, having paid some considerable

Amount in Banks in Newbern and cannot ascertain the Amount
without referring to said Banks—

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Am Collecting the proceeds of the sale of such property as I have left to be
sold and Money now due me this should be a Surplus over debts owing
by me, then I give the said Surplus to Edward Whitley to him his heirs and
Assigns forever But should there be a deficiency for the payment of all
my Just debts I wish said deficiency raised from the rent of the lands
and hire of the Negroes passed by me in this my will reserving therefrom
Annually a Sufficiently for the support of my daughter Mary C. and
Joseph C. out of such portion of said property as are willed to them respectively
provided it can be raised in due time in this way, and if it cannot I wish
said deficiency to be raised by the sale of Negroes herein passed to be sold
as equally to effect the intent of my two Children Mary C. Kinsey and Joseph
C. Whitley.

And lastly I Nominate and Appoint my worthy friend James W.
Howard Executor to this my last Will and Testament whom I also
Nominate and Appoint Guardian to my Son Joseph C. Whitley
in Testimony of all of which I do hereunto set my hand and affix my
Seal to this my last will and Testament the 14th day of February 1843
In presence of

J. Leval
Charles Crook
Alfred Whitley
Barrue

Joseph Whitley

Seal

North Carolina } Court of Pleas & Quarter Sessions March Term
James County } 1843 In open Court then was the Execution of
the last Will and Testament of Joseph Whitley duly proved in due form
of law by the oath of J. Leval & B. Barrue two of the subscribing
Witnesses thereto And thereupon James W. Howard the Executor therein
named was duly Qualified as Executor of the last Will and Testament
of the said Joseph Whitley and the said last Will and Testament
was ordered to be Registered

Wm. H. Ammonal Esq