

The execution of the within last Will and Testament was proved in Court in due form of law, on the oath of Robert Schaw, esq. one of the subscribing witnesses thereto. April 1st 1771. John London C. C.

At the same time Hugh Macdell esq. Executor therein named qualified as such agreeable to law. Ordered that letters testamentary issue accordingly.

John London. C. C.

North Carolina. 1771.

In the name of God Amen I, Benjamin Heron of New Hanover County in the Province above said Esq. do make and declare this my last Will and Testament in manner following, that is to say, First. I bequeath my soul to Almighty God, hoping and believing a remission of my sins, by the merits and mediation of Jesus Christ, and my body to the earth to be buried at the discretion of my Executors hereafter named, and my worldly estate, I give, bequeath and devise as follows.

Item. I give and bequeath to my beloved wife Alice, and to her heirs and assigns forever, my house and all its furniture in Wilmington, with my negro slaves, Gift, Latham, Blacksmith Tom, Sarah and her two children, and my two mulattoes Johnny and Matty, together with sixteen hundred pounds proc, all my plate, all my table and sheeting linen, one half my China, with as much of the rest of the furniture out of the Mulberry house, as she thinks proper, to the amount of sixty pounds proc, which shall be valued by my Executors; which part of my estate I would have given her immediately after my death, and what my ready money, debts, pay or wages may fall short at that time of making up the said sum of £1000 proc, I would have raised as soon as possible by the work of all my negroes. And this legacy being Mrs Heron's own request, I desire of my Executors, it may in a particular manner, be attended to, to her full satisfaction.

Item. I give, devise and bequeath unto my daughter Mary, her heirs and assigns forever, all that tract or parcel of land called the Mulberry, including that tract joining it up the river, and given me by Mr John Howes, together with all that tract or parcel of land called Bear Bluff which I bought of John Ashe esq, as low down as the creek opposite the Mulberry House, together with the houses and remaining furniture, of my wife has drawn her part, and all the appurtenances thereto belonging.

Item. I give, devise, and bequeath to my daughter Elizabeth and to her heirs and assigns forever, all that my plantation called Mount Blake.

which I bought of Mr William Monak, together, with the ferry house opposite thereto, and eight acres of land round the same, laid off from the road in a square, together with the bridge, and all the appurtenances to the same belonging; which plantation of Mount Blake I direct to extend as high up the river, as the Creek opposite the Mulberry house, which creek, shall hereafter, be the bounds of the two plantations called Mass Bluff and Mount Blake, then. I give and bequeath to my daughter, Frances and to her heirs and assigns forever, my house and tract of land upon the Sound, I bought of John Mott and the other half tract below it I bought of Mrs Nail, now occupied by Ninking Parry together with a tract of land joining Capt Dukoize on Smiths Creek, I bought lately of Mrs Bowen, and all the lots I may hereafter purchase of in Walmingtown.

And whereas Job Howes grandfather, to my daughter, Mary, said by his last Will and Testament &c, bequeath her one negroe wench called Phillis, who has since had two children and whose eldest son Robert, I bought at the division of the said Job Howes negroes; I do therefore to make that family complete to my said daughter, Mary, give and bequeath to her the said negroe slave called Robert, as a distinct legacy from her share of my estate, which three negroe children and their mother together, with the two left her by her uncle Joseph Howes, makes six slaves she will be intitled to in her own right at the day of my death.

And whereas Joseph Howes Uncle to my daughter, Elizabeth said by his last Will and Testament, bequeath my said daughter two negroes, which is all she is at present intitled to in her own right. In order to make her my said daughter, Elizabeth equal to her sister, Mary, I give and bequeath to my said daughter, Elizabeth, my negroe woman called Sue, and her son Simon, together with Dorcas and Doll, namely two children.

And although I am apprehensive it may be thought my daughter, Frances will either fall short in her part of the division of my estate, yet I have so firm a confidence and reliance on her, and others great affection and tenderness for her, that I rest satisfied she will make her ample compensation out of her own fortune and on that account, I only bequeath her six hundred pounds proc, to be paid her mother for her, out of the work of my negroes within five years after my death.

Then I give, devise and bequeath all the remaining part of my negroes, amongst my three children, Mary, Elizabeth and Frances to be equally divided share and share alike between them forever. Nevertheless my will and meaning is, that if either of the aforesaid three children should die before they marry or attain the age of

twenty one years, then and in that case the share of my estate given my said child or children by this will shall fall to the survivor of survivors of them.

Item. I will and desire all my personal estate, together, with the perishable part of my furniture that may be injured before my daughter, Mary, enters into possession, such as beds, curtains &c. and any other lands I may die possessed of, not specifically given away in this will, may be sold as soon as convenient after my death, and the amount thereof be divided share and share alike for the uses of my three children aforesaid.

Item. My will and meaning is, that the negroes be not divided until my daughter, Mary, shall marry or arrive to the age of twenty one years, but be employed in the most easy and profitable work, for my children's maintenance and education to be allowed in equal share to each of them; and if the labor of the said slaves and interest of my estate exceed the demand for that purpose, the surplus be equally divided amongst them on the day of division. But if my daughter, Mary, should die before marriage or coming of age, I would have, and it is my will, my whole estate be divided between the two surviving children as soon as possible.

Item. It is my will and order, and direct my house at the Mulberry, herein bequeathed to my daughter, Mary, and the bridge and house at Mount, Blake bequeathed to my daughter, Elizabeth be both kept in constant order, and repairs from time to time, out of the produce of my whole estate, until the same be divided according to my direction aforesaid.

And whereas my wife's sister, Peggy, for whom I have the greatest affection and esteem, is by her own fortune sufficiently provided for, I only bequeath her as a token of my regard, a diamond ring in value to the full amount of twenty guineas, to be procured for her by my Executors as soon as possible from England.

Item. I give and bequeath to my nephew Charles Heron, one hundred pounds sterling money of Great Britain, which sum is due to me on bond by Mark Robinson esq. commander of his Majesty's ship the Povey.

Item. I will and ordain my mulattoe servant Joshua Green, having his freedom given him soon after my death, but the precise time I leave to the discretion of my wife, as long as his time of service does not exceed twelve months, but no longer.

And whereas I have the greatest confidence and faith in my wife, from the long experience I have had of her good mind and heart, I recommend my three children in the most solemn manner to her care and tuition, for which it is my will she should and be allowed by my Executors an adequate recompense.

and that the same be paid her, out of the profits of my estate
lastly. I nominate and appoint my beloved wife Executrix and
my esteemed friends Lewis DeKopet, Frederick Jones of Swampscott
and Samuel Swann Junr, esquires, my executors to their my last
will and testament, begging the favor of all and each of them
to consider my intention with respect to all things contained
herein and not the manner of its being drawn out, being done
in a hurry with my own handwriting; and to use their endeavors
as much as possible to prevent any disputes or litigation,
The Witnesses whereof I have hereunto set my hand and seal
this thirtieth day of July in the year of our Lord one thousand
seven hundred and sixty-eight
Signed, sealed and declared by the
said Benj^d Howard as his last will and
testament in the presence of us, the
usual ceremonies being first made
especially the word, "said" in the 13th
line of the third page

Ben^d Howard (Seal)

Frederick Jones

Henry Hynde

Henry Buford

John London

Proved at Ipswich Court 1771 per certificate to the Codicil
John London. Clk, Ct

"Codicil"

Whereas since the signing of the within will, my wife Alice
proved to be with child, which is a circumstance that calls
upon me to provide for the same, should it be born alive, and
not having time to alter my will, I rather choose to add thereto
a Codicil. And be it known unto all men by the same, and
my will and meaning is, that if the said child my wife Alice
be now big with, be born alive, I give, devise and bequeath
unto my said child, an equal share of all my negroes with
the rest of my children, with one thousand pounds more, to be
said in trust to its mother, out of the labor of my slaves, and
personal estate, before a division of the said estate be made,
which division is directed in my said will to be when my
daughter, Mary shall attain the age of twenty one years, or
shall marry, but my will and meaning is in this case, that
if she be not married if she marry, under age, unless all my specified
negatives are first paid and satisfied - And if the said child
be born, should not live to attain the age of twenty one

years, then my will and meaning is, that the share of my estate as bequeathed to the said child, together with the legacy given him or her, in this supplement of one thousand pounds good, shall be divided between my surviving children share and share alike forever, and whereas my self, my wife Alice and my two children Mary and Elizabeth, are now near embarking for England, in which undertaking, although I have a just and grateful sense of the goodness of Almighty God to me and a perfect hope that he will continue to preserve and protect us through all our dangers, I cannot but be sensible we are liable to many accidents, in which case, I order and direct and my will and meaning is, that the whole of my estate both real and personal, together with all my ready money, pay or wages, and every thing else I am intitled to or interested in upon earth, of what kind or nature soever, shall fall into and become the sole right and property of my daughter Frances Heron, to whom I give, devise and bequeath the same; nevertheless I subject my said estate in that case to the incumbrance of the following legacies, to be paid in two years after the certainty of the death of my self, my wife & my two children aforesaid.

I give, devise and bequeath to my sister, in law Peggy Marsden one thousand pounds good.

To my own brother, Charles Heron an Apothecary and Surgeon at Colchester in the County of Hampshire in Great Britain, five hundred pounds sterling money of England.

And to his son Charles Heron my nephew now living with me exclusive of the aforementioned legacy of one hundred pounds in my will contained, five hundred pounds sterling money of England.

But in case my aforesaid daughter, Frances should die before she marries or attains the age of twenty one years, to whom I have given all my estate both real and personal, provided any accident, happen to us in our passage to England. Then my will and meaning is, that my said whole estate aforesaid be divided share and share alike, between my sister, in law, Peggy Marsden, my brother, Charles Heron aforesaid, and my nephew Charles, his son now living with me, and to their assigns forever, provided they pay to each of my brother, Charles, other children, two hundred pounds sterling money of Great Britain, within two years after the death of my said daughter, Frances Heron.

And lastly, I do recommend my daughter, Frances to the tender, care and protection of my beloved sister, Peggy Marsden, beseeching her as she respects our memory, to pay all possible attention to the moral and education of my said child, and

to remember, how dearly and tenderly she was beloved by her
father and mother
In witness whereof I have this day set my hand and seal
to this Codicil, being the twentieth day of July in the year of our
Lord one thousand seven hundred and sixty nine,
Signed, sealed and declared as a } Benjⁿ Heron. (Seal)
Codicil to my last Will and Test-
ament in the presence of us. The
word "first" in the 18th line of the
first page being interlined

Frederick Jones

Henry Hyson

Henry Buford

John London

At New Hanover April Court 1771

The within last Will and Testament with the Codicil annexed
was exhibited to the Court and proved on the oath of Henry
Buford and John London two subscribing witnesses, who swore
that they saw the Testator sign, seal, publish and declare
the same to be and contain his last Will and Testament, and
that at the time thereof he was to the best of these deponents
knowledge and belief, of sound and disposing mind and
memory, and that Henry Hyson and Frederick Jones signed
with them as concurring evidence. At the same time
Frederick Jones Esq. Executor therein named, qualified as
such agreeable to law. Ordered that the Secretary have
notice, that letters testamentary issue thereon accordingly.
John London. Clk. Ct.

I hereby certify, that the Honble Lewis Henry DeKopet Esq.
one of the Executors of the last Will and Testament of Benjⁿ
Heron Esq. deceased, qualified before me agreeable to law,
this 12th April 1771.

John Annum. J. P.