

The foregoing paper writing was exhibited in open court and offered for probate at December Term 1835 and was duly proved by the oath of W. C. Battenworth & A. C. Smith both of the subscribing witnesses thereto, and as such considered by the Court to be the last will and Testament of the said Mary & Napoleon, and sufficient to carry the bequests therein made, orders to be recorded at the same time. Miles Legstin the executor therein named appeared in open Court & was duly qualified according to law.

Facts

Saml W Bunting clk

In the name of God Amen!

I Edward B Dudley, of the County of Onslow in the State of North Carolina, being of sound and disposing mind and memory, do make, ordain, and publish this to be my last will and Testament.

First I devise and direct that all my just debts be paid by my Executors as hereinafter directed, as soon as it can conveniently be done.

Secondly, I give and bequeath to my beloved wife Jane Dudley the following Slaves, to wit; Phillis and her daughter Mary, Peter and her Child and Benetta and my Carriage Driver Jim; also one hundred Shares of my Stock in the Wilmington and Raleigh Rail Road Company, and the sum of four thousand Dollars in Money to build or purchase for her self a dwelling house; also my Carriage horses, Carriage and Harness, and so much of my household and Kitchen furniture as she may desire and select.

Thirdly, I give devise and bequeath to my beloved Sons Christopher B Dudley, William Henry Dudley and Robert Dudley equally as tenants in common, to them their heirs and assigns all my plantation and lands in the County of Onslow and sixty Slaves, including my driver Jim and his wife and children, and Anthony and his wife and children, and the balance of the sixty to be chosen by my said Sons, and I direct that the whole of the said Sixty Slaves, when chosen, shall be valued by my friends Eder W Mountford, George I Ward and Owen Huggins, or any two of them. I also give to my Sons equally, all my horses (except my Carriage Horses), all my mules, Cattle, hogs, Sheep, poultry, farming utensils, and plantation stock of every kind, and I request my Sons to keep the property herein bequeathed together and

work it together on the plantation for their joint benefit,
 under the Superintendence of my son Robert.
 Fourthly, I devise and bequeath I direct, that, all the rest, and residue
 of my Slaves except those heretofore mentioned in the ninth clause
 be sold by my executors as soon as it can advantageously be done
 on such terms and in such manner as they may deem best,
 and out of the monies arising from said sales all my just debts
 shall be paid; and the residue of said monies, after payment of
 my debts, if not more than the value of the sixty Slaves given to my
 three sons estimated as above, I give and bequeath to be equally
 divided between my beloved daughters, Eliza Ann Purnell, Jane
 Johnson and Margaret McSherry, and if the said res-
 idue after payment of my debts be less than the estimated value
 of said sixty Slaves, then I devise and direct, that my said
 sons shall make up the deficiency to my said daughters by paying
 to them such sum as will make the said residue equal
 to the said estimated value; and I hereby charge the said def-
 icency upon the lands and Slaves given to my said sons. And if the
 said residue shall be greater than the estimated value of the
 sixty Slaves, then the excess shall be equally divided among all
 of my children; my object in the disposition of my Slaves being
 to make the Shares of all my children in them and there
 proceeds of equal value.
 Fifthly, I give and bequeath to my daughter Jane Johnson
 fifty Shares of my stock in Wilmington and Raleigh Rail Road
 Company.
 Sixthly, I give and bequeath to my beloved daughter Margaret
 McSherry fifty Shares of my stock in the Wilmington and Raleigh
 Rail Road Company.
 Seventhly, I give and bequeath to my beloved daughter Eliza
 Ann Purnell all the residue of my stock in the Wilmington
 and Raleigh Rail Road Company.
 Eighthly, I hereby confirm all the gifts of Slaves heretofore
 to my children & Grand Children.
 Ninthly, all of the property which was conveyed to me by Mrs
 Jane H. Haywood by deed dated 25th October 1832. to wit,
 the Crab tree plantation in the County of Wake and the
 Slaves Jacob, Clary and Child, Lucy, Abram, Balance, Step-
 hen, Pinky (or Anthony), Mitt (or Maria), Henry, Sylla,
 Charlotte, John, Murree, and two and all their increase
 born after the date of this will, I give and devise and
 bequeath to my executors, and the survivors of them and
 their executors & administrators of such survivors in trust
 for the sole and separate use of Mrs Ann Haywood
 wife of William H Haywood Senr of Raleigh during
 the joint lives of the said William H Haywood and Ann

and then in trust for the survivor of them for life; and after the death of such survivor in trust to be sold and the proceeds equally divided among all of my children then living and the issue of any that may then be dead, such issue to take per stirpes, the share their parents would have taken if living.

Fifthly. I give devise and bequeath all the rest and residue of my estate of every kind, and whencesoever situated to be equally divided among all of my children.

Lastly I constitute and appoint my sons, Christopher W. Dudley and William Henry Dudley to be joint executors of this my last Will.

In witness whereof I have hereunto set my hand and seal this 15th day of October A.D. 1832 —

Signed published & declared by the testator as his last will, in the presence of us who in his presence and at his request have subscribed the same as witnesses. (The words except those heretofore mentioned in the ninth Clause" on 2nd page interlined before signing and also the words and Benetta, on the first page)

Edw B. Dudley Seal

J B Everett
Geo Davis

Codicil

I Edward B. Dudley the testator in the foregoing last will and Testament, do make, publish and declare this to be a Codicil thereto hereby ratifying & confirming the same in all things, except as hereinafter declared in this Codicil.

First, I do hereby revoke annul, and make void the legacy of four thousand dollars in money bequeathed to my wife Jane Dudley, in the second Clause of my said Will.

and in lieu thereof I give and devise to my said wife and to her heirs and assigns, my house and lot of land in the town of Wilmington at the intersection of second and Ann Streets, being the Western portion of lot No 118 letter B in the old Plan of said town, purchased by me from Benjamin W. Beery, since the making of my said Will.

Secondly I also revoke, annul, and make void the absolute gift of one hundred shares of my stock in the Wilmington and Raleigh Rail Road Company bequeathed to my said wife in the said second Clause of my will; and I do hereby give and bequeath the said one hundred Shares of stock to my said wife for and during her natural only, and at her death to be equally divided between all of my children then living, and the issue of such as may then be