

I Erast S. Miller of the County of New Hanover and State of North Carolina being of sound mind and memory but considering the uncertainty of my earthly existence do make and declare this my last will and testament in manner and form following that is to say.

First - that my executor shall provide for my body a decent burial suitable to the wishes of my relatives and friends and pay all funeral expenses together with my just debts howsoever and to whomsoever owing out of the monies that may first come into his hands as a part or parcel of my estate.

1st Item - I give and devise to my beloved wife Harriet D. Miller, this house and lot that I now live in together with the following named Slaves, viz Harry, Sealy, Jack, Sam, Rose, Alfred, Laura, Allen, Neagy, Lucy, Kitty, Julia and Robert and their increase and also her maiden lands.

2nd Item - I give and bequeath to my said beloved wife all the beds and furniture all the household and kitchen furniture, Twenty head of Hogs, five Cows and Calves, Fifteen head of Sheep, two Mules, and Waggons and my saddle horse (Princeps) her choice in all the aforesaid Stock and also her share of the Penishable Property that is to come out of the estate of S. C. Morris deceased.

3^d Item - I give and bequeath to the Presbyterian denomination that lot or parcel of land joining Mrs. M. Halling running from the Street to the fence or within eight feet of the ditch, thence with the ditch or fence to the line containing an Acre more or less to hold and to have for the purpose of erecting a Presbyterian Church and also I give for the purpose of erecting said Church five hundred dollars to be paid when my executor settles up the estate.

4th Item - It is my will and desire that all my lawful heirs that is not named in the will shall receive five dollars.

5th Item - It is my will and desire that after all my debts is paid that all the balance of my property both real and personal shall go to the benefit and support of my mother Thankful Miller, to dispose of it as she sees proper.

6th Item - It is my will and desire that my wife H. D. Miller shall have one years provisions.

And lastly I do hereby constitute and appoint my trusty friend Daniel J. Bourdeaux and in case of his death, Daniel Robertson my lawful executor to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same, and every part and clause thereof hereby revoking and declaring utterly void; all other will and testaments by me heretofore made.

In witness whereof I the said Ervan S. Miller do hereunto set my hand and seal this 11th day of July 1861.
 Signed, sealed published
 and declared by the said
 Ervan S. Miller to be his last
 will and testament in the presence
 of us who at his request and in
 his presence do subscribe our names
 as witnesses, thereto.
 John J. Condey
 Saml. R. Synting
 H. A. Bagg.

State of North Carolina
 New Hanover County Court, Sept. 2. Term 1861.
 This paper writing, purporting to be and contain the last Will
 & Testament of Ervan S. Miller, is exhibited in Court, and
 offered for probate, and is duly proved by the oath of John
 J. Condey and Samuel R. Synting, two of the subscribing
 witnesses thereto: whereupon it is considered by the Court to
 be and contain the last Will and Testament of Ervan S.
 Miller, in every respect, and sufficient to convey the bequest
 therein made. At the same time Daniel J. Bordeaux
 the Executor therein named comes into Court, and renounces
 his Executorship: whereupon it is ordered by the Court that
 Daniel Robinson be appointed Administrator, with the Will
 annexed, upon his giving bond, in the sum of thirty thousand
 dollars, with John Jones, Wm. A. Lamb, D. J. Bordeaux and
 James McDuffie as sureties. Let the same, with this certificate
 be registered.
 Teste Samuel R. Synting Clk.
 per Woodm Dep't. Clk