

North Carolina 1822

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In the name of God Amen
 I, Frederick Jones of the County of New Hanover, and State of North
 Carolina aforesaid, Gentleman, being of sound mind and memory,
 for which I praise God, calling to mind the uncertainty of human
 life, and not knowing when it shall please the Almighty to call
 me home, do make and ordain this to be my last Will and Testament
 hereby revoking and making null and void all Will or Testaments
 by me heretofore made in
 In witness whereof I recommend my soul to Almighty God the giver thereof
 and my body to the earth to be buried at the discretion of my Execu-
 tors and Executors hereafter named and to rest in hope of a
 joyful resurrection.

Now, It is my will that all my just debts be paid by my Execu-
 tors and Executors hereafter named, as soon as they can possibly
 do it, and that after the same is done, I give, devise and bequeath
 my estate, which God hath been pleased to bestow on me in
 mercies, following.

Now, I give, devise and bequeath to my dearly beloved wife, Ann
 the plantation whereon I now dwell on Turkey Creek, called or known
 by the name of Spring Garden, also my plantation on the Sound,
 together with the land, houses and appurtenances thereto belong-
 ing for and during the time of her natural life and no longer.

Now, I give and bequeath to my aforesaid beloved wife, Ann
 and to her heirs and assigns forever, the following negro slaves,
 that is to say, Ann, Anthony's Lucy with her three children John,
 Elizabeth and Lucretia, Matt and her son Stephen, Isaac and
 his wife Fanny, George, Fanny, Emanuel, Judy, Walter, and her son
 and daughter Nat, Harriet, Peggy, Sophia, Rachel her daughter
 to Florida, Matt, Carolina, Carter, their son Valentine, Bob, and
 Prilla with all the present and future increase of the aforesaid
 negroes, except Becky Lucy's daughter, and the three older chil-
 dren of Prilla, to wit, Mary, Lucy's Fanny, they being the property
 of my son John Swann. I also give my aforesaid wife, Ann, the
 use of my blacksmith Ben, during her natural life, with all his
 tools and implements for carrying on his business. And at the
 death of my said wife I give, devise and bequeath the said
 blacksmith Ben with his tools and implements for carrying on
 his business to my son John Swann his heirs and assigns forever,
 for all my sons in law, and daughters without making any
 charge for the aforesaid work, being done. I also give my aforesaid
 wife, Ann, my gold watch, plate, kitchen furniture, household
 goods of all kinds, all my books, four wheeled carriage, riding
 chair, with their harness and appurtenances, also my plantation

tools and utensils of every sort, whatsoever, all my stacks of horses, cattle, sheep and hogs, where a cow, to be found.

Item. I give and devise and bequeath to my beloved son John Swann and to his heirs and assigns forever, a tract or parcel of land given me by my late father in law, Samuel Swann esq, containing six hundred and forty acres, lying and being on Horse branch which runs into Long Creek; also another tract of six hundred and forty acres adjoining the land formerly belonging to Allan Stoen on White Oak, near Moore's creek, now adjoining the plantations of the Henrys, both which tracts are in Henry, Banover, County. Also the one half part of all the property and money he has received in the State of Virginia, as by bond from my nephew Thomas Jones also from letters and other papers will more fully appear.

Item. I give and bequeath to my beloved daughter, Elizabeth, with the other half of all the property and money, which her husband John Hile esquire, has received in Virginia, and made division of with my aforesaid son John Swann. I also give my aforesaid daughter, Elizabeth the sum of fifty pounds. And whereas my said John Swann and my daughter, Elizabeth, Hill have sundry negroes which were of the estate of Mrs Ann Taylor deceased, which they claim and are possessed of, by virtue of the will of the said Ann Taylor, and some doubt may arise hereafter, respecting the right and property in the same negroes or part thereof, and a claim may be made on account of my daughter Anne deceased, who might have had an interest or property in the same negroes or part thereof. My will is, that any interest or property in the same slaves which my said daughter Anne might have had at the time of her death, and which may have fallen to and as next of kin to her, be vested in my said son John and my said daughter Elizabeth and I do hereby bequeath to them respectively, such interest, property or claim as I may have in the same negroes; and in case any of my family or any hereafter, claim from my said son John or my said daughter, Elizabeth any of the said negroes by virtue of any right, interest or property which they or any of them, may have derived from or by my said daughter, Anne; My will is that the full value of what they or any of them may on such claim, obtain or acquire be repaid by my Executors and Executors to the said John & Elizabeth, and that for such purpose my Executors and Executors do apply such sum of what, I have in this my will given to such claimants. And that my said son John and my daughter, Elizabeth be reimbursed in like manner, for any expense they may incur at law, by reason of any such claim.

Item. I give and devise to my son John Swann, and his heirs forever, in trust for my beloved daughter Rebecca, butler, his heirs and assigns all that plantation, tract or parcel of land, which

lying and being in New Hanover County on New Topsail sound,
which aforesaid land was purchased of John Earle by my
father in law, and by him given to me; also that other tract or
parcel of land adjoining, which I purchased of John Hines; free
from the disposal of her, said husband William butler, nor in
any manner subject to the payment of his debts; it is my will
that the said William butler, be suffered to occupy, and receive
the rents and profits thereof during his life, without any impeach-
ment of waste, for the use of himself and family, but to and
for no other use or uses whatsoever. It is my will and desire
that my son in law William butler, deduct out of his share or
proportion of my estate or a division thereof, the sum of sixty pounds
as a consideration for the lot in Wilmington, which I have already
given him a deed for, which sum I direct to be divided between
my three daughters, Jane, Ann and Lucy.
Item. I give and devise to my said son John Swann and his heirs
forever in trust for my daughter Jane Sampson wife of Michael
Sampson, and her heirs and assigns, all my plantations, tracts
or parcels of lands lying and being on Holly Shatter, that is to
say, the two tracts of four hundred and fifty acres which formerly
belonged to Jeremiah Peil deceased, and one other tract adjoining
the aforesaid lands, containing two hundred and fifty acres
(which last mentioned land was given me by my aforesaid
father in law) free from the disposal of her, said husband, nor
in any manner subject to the payment of his debts, nevertheless it
is my will that the said Michael Sampson have the profits thereof
during his life, without impeachment of waste for the use of
himself and family, but to and for no other use or uses wha-
tsoever.
Item. I give and devise to my said son John Swann and his
heirs forever, in trust, for my daughter Ann butler (wife of
Roger butler) and her heirs and assigns forever (after the death
of my beloved wife) all my plantation and lands whereon I
now dwell on Turkey Creek, called or known by the name of Spring
plantation, together with the houses and appurtenances to the said plan-
tation belonging and appertaining; to hold the said plantation
and appurtenances free from the disposal of her, said husband, nor
in any manner subject to the payment of his debts: it is my will that
the said Roger butler be suffered to occupy, and receive the rents and
profits thereof during his life, without any impeachment of waste, for
the use of himself and family, but to and for no other use or uses
whatsoever. I also make good, confirmed and secure to my said daugh-
ter Ann and her heirs, my mulatto woman called Phillis with
her present two children, and her future increase, in consideration
of a sum of money amounting to one hundred and twenty two pounds

two shillings and a five pence halfpenny, left her by the late Mrs. Ambott
 is, deceased, as by her will may appear, which money, as Executor to
 the Will aforesaid I have received. I also conceived and came to my
 said daughter, Ann, the deed I have given her for the girl Eliza, all
 which negroes I have delivered to her, and they are her property, solely,
 I give my said daughter, Ann during her life the use of my negro girl
 Becky, in consideration of the services I have had of her negro woman
 Matilda; and at her death to her eldest child then living; but if my
 said daughter, dies without issue, then I give the aforesaid girl Becky, to
 my daughter, Lucy, with her increase, to her and her heirs absolutely forever.
 I give, devise and bequeath to my beloved daughter, Lucy, Jones my
 lot of land in the upper end of Cambridge (now called Haytowitz) on the
 second street, number, twenty three, as by the plan of the said town, reference
 being thereto had may more fully appear, also all the lands which bel-
 onged to Mr. Ann Collier, deceased, also a tract adjoining which I purchased
 of Edmund Moore containing seventy five acres. Also a tract of three hundred
 and one acres, beginning at or near Jewels corner, running to the head of
 Spring branch as will appear by the said patent, together with the houses
 and appurtenances to the said plantations belonging and appertaining
 to hold the same to her, her heirs and assigns forever. As the lands I have
 given my daughter, Lucy, are not equal in value to the lands given my other
 children, I recommend it to my beloved wife to make up to her the deficien-
 cy, by giving her the land on the N^o West, near General Knowns, or other-
 wise to make it good to my aforesaid daughter, as she may think proper.
 I also give my said daughter, Lucy my negro girl called Desdemona.
 It is my will and desire that my negro woman called Ffy, with all
 and every one of her present and future increase (except the girl called
 Desdemona, before given to my said daughter, Lucy) be valued and set
 apart for my said daughter, Lucy, and had and taken for her proper
 slaves, deducting their value out of her share of my other negroes: I desire
 my son John and my friend Henry, Watters or either of them may value
 the aforesaid negroes. It is my will and desire that my beloved wife
 and have the use of them, with whatever other negro slaves or other prop-
 erty may fall to my said daughter, Lucy's share, till she marries or ar-
 rives to the age of twenty years, to enable my aforesaid wife the better to
 educate and maintain my aforesaid daughter,
 Hen. I give and bequeath to my above mentioned son John Howard
 and his heirs forever, three fourth parts of all my negroes, and every
 other part of my estate both real and personal (not before given away
 in this my will) in trust, to be divided between my three daughters
 Rebecca Cutlar, and Sampson and Ann Cutlar free from the power,
 and disposal of their said husbands respectively, nor in any manner
 subject to the payment of their debts; nevertheless, it is my will and desire
 that the said William Cutlar, Michael Sampson and Roger Cutlar, sep-
 arately shall have the possession and management of the negro slaves

other property which shall be allotted to their respective wives, for the benefit and support of themselves and their families, but to and for no other use or uses whatsoever, Provide nevertheless, that whereas I have become bound with William Bullay, the husband of my said daughter, Rebecca, and merely as security for him, in several bonds to John Burgwin esquire, and for the purpose of securing to the said John Burgwin, a very considerable sum of money due by the said William Bullay, to the said John Burgwin, which was actuated solely, to do for the purpose of serving and promoting the interest of my said daughter, Rebecca; and whereas suits have been instituted by the said John Burgwin against me solely, for the recovery of the money due by the said bonds. Now then it is my will and a pleasure and express desire to my Executors, that in case it should so happen during my life, that the money due by the said bonds to the said John Burgwin should be recovered from me, or after my death from my Executors, then and in that case, that my Executors should sell all or so much of the property heretofore devised to my said daughter, Rebecca, as will be sufficient therefor, and therewith to pay the amount of such recovery, and provide also, if by the society of the said John Burgwin or his Executors or Administrators it should so happen, that the amount of such recovery or any part of it, should be paid out of my estate generally or out of the proportion devised to or received by any of my other children, then and in that case it is my will and desire that the property heretofore devised to my daughter, Rebecca or so much thereof as may be sufficient therefor, shall in the first case be distributed equally amongst my daughtersanny, Nancy and Lucy or their representatives; in the second case to such child or children whose proportion of my estate heretofore devised to them, may have been liable for such recovery, so as amply to make up to them and each of them or their, or her representatives, for such property so devised to them, as may be made liable by such recovery as aforesaid, But in case it should so happen, that all the property devised to my dear daughter, Rebecca, or which she shall be entitled to or received by or in consequence of this my last will and Testament, should be liable to be sold or delivered for the payment of the money recovered as aforesaid, then and in that case, I most earnestly recommend it to my beloved wife, that she will make such provision as she may think proper out of her estate for my said daughter, and her family, - Whereas Michael Sampson esq, my son in law, with his family, have lived with me for some time since their marriage, at my instance and bid by my representatives, as they have always been welcome to me, - I give and bequeath the other fourth part of all my negroes and of every other part of my estate both real and personal (not before given away) to my beloved daughter, Lucy Jones, to her, her heirs and assigns forever

regard being had to what I have before directed, with respect to the value of my said wife's family for my said daughter. But if any of my said daughter, Lucy should die before she arrives to the age of eighteen years or married, then and in that case, I give and bequeath the whole of the estate hereby given to her, to be equally divided among all my children, to wit, John Swann, Elizabeth Hill, Rebecca Butler, Jane Thompson, Ann Butler, ~~and Lucy~~.

Item. It is my most earnest desire, that in the division of the negroes great care should be taken to sort them in families, and to separate them as little as possible.

Item. It is my will and a positive direction in case any dispute or controversy shall hereafter arise between any of the parties concerned in this my will (which I most earnestly recommend to them to avoid) of or concerning any bequest or legacy herein given or of concerning the construction of any clause or clauses of this my will, that such dispute or controversy be referred to his Excellency Governor Ashe, Alfred and Duncan Moore esquires or either of them, and to be by them or either of them finally settled and determined; and from the great opinion I have of their knowledge, justice and integrity, if any of the parties upon any such dispute or controversy, shall refuse to submit to their or his determination thereon when made, then and in that case I give and bequeath the matter or thing so disputed or controverted to the party who shall be willing to consent to it, and doth submit to the determination of the aforesaid gentlemen or either of them.

Lastly. I nominate, constitute and appoint my dear, beloved wife Anne Jones Executrix, my son John Swann and my son in law John Hill, and my good friend Henry Watters Executors of this my last will and Testament, contained in these two sheets of paper, and wrote with my own hand, desiring they will see the same duly performed to the utmost of their power, the testimony whereof I have hereunto set my hand and seal this seventh day of August in the year of our Lord one thousand seven hundred and ninety six.

Signed, sealed, published and declared in the presence of us.

The word (Son) between the 37th & 38th lines from the top in the 2^d page being first interlined.

The erasure in the 38th line from the top in the 1st page being first made.

Nathaniel Christie, William ^{his} Simpson, Jane Thompson.

Wash

Great, Jones Seal

December, Term 1797

Proved by the oath of Jane Hinkley formerly Jane Thompson and ordered to be filed.