

I Henry R. Savage, of Wilmington in the State of North Carolina, but now personally present at the Alleghany Springs in Montgomery County in the State of Virginia, being of infirm health, but sound in mind, in order to provide for the disposition of my worldly affairs, should it please God to call me hence, do make publish and declare this my last will and testament, hereby annulling and revoking any and all wills, testaments or instruments of that nature that I may heretofore have made.

First, I direct all my debts to be paid.

Second, I devise and bequeath to my friend Zebulon Satermer of Wilmington, my undivided interest in that piece of property with the improvements thereon, held by said Satermer and myself jointly by purchase from Richard Bradley, said property being situate on Brightville Sound, Lee's Creek New Hanover County, North Carolina, and having been purchased by said Satermer and myself for a summer residence, to have and to hold said undivided interest in said property to said Satermer, his heirs and assigns forever.

I also devise and bequeath to said Satermer for his own use, my horse Jim.

Second, I devise and bequeath to said Zebulon Satermer the sum of ten thousand dollars (\$10,000) to be held by him in trust for the sole and separate use of his wife Elizabeth Satermer, for and during her natural life, so that she be suffered and permitted to have and receive to her sole and separate use, during her life, the income and profits of the same, free from any claim of her present or any future husband, with power and authority to the said Elizabeth whether she be sole or co-heiress to dispose of the principal sum, or any part thereof in such manner as she may see fit by deed, or will or any instrument of writing in the nature of a will, with or without the concurrence of her said husband. And in default of any such disposition of said sum or any part thereof by said Elizabeth, then I devise and bequeath said sum of ten thousand dollars from and immediately after the death of said Elizabeth without having disposed of the same, or so much thereof as may remain undisposed of by her in manner aforesaid to the children of said Elizabeth who may be living at her death, equally to be divided among them, the issue of any deceased child or children of said Elizabeth, who may be living at the time of the death of said Elizabeth, to take the share to which it or their parent or parents would if living, be entitled to receive.

I also give to said Elizabeth Latimer, my gold watch for her sole and separate use.

Thirdly, Whereas my Friend Zebulon Latimer, may be or become bound for, or incurred liability on account of my Nephew Edward Savage of Wilmington, or said Edward may be indebted to said Latimer for money advanced by said Latimer to or for said Edward Savage, and I am desirous fully to indemnify said Latimer against any such liability or responsibility incurred by him for or on account of my said Nephew, and to secure to said Latimer the payment of any money he may have advanced to said Edward, now therefore I devise and bequeath to said Zebulon Latimer, the house and lot on Third Street in the City of Wilmington lately occupied by said Edward Savage and conveyed by said Edward to me, with full power and authority to said Zebulon Latimer to sell said house and lot and apply the proceeds of such sale to his indemnity or security as aforesaid, for any and all liabilities incurred by him for said Edward, or advances made by him for or on account of said Edward, and should there be any surplus of such proceeds of sale, after fully indemnifying said Latimer, I direct such surplus to be paid to my said Nephew Edward Savage or his personal representatives. And should said Latimer not find it necessary to resort to said house and lot for his indemnity as aforesaid, I give, devise and bequeath the same to my said Nephew Edward Savage his heirs and assigns.

Fourthly, I give, devise and bequeath to my Nephew Henry Savage of Wilmington, the house and lot on the South West Corner of Orange and Second Street in the City of Wilmington, to him, his heirs and assigns.

Also I give, devise and bequeath to said Henry Savage, the note of O. G. Parsley his father-in-law held by me, for four thousand dollars.

I also devise and bequeath to said Henry Savage, the sum of two thousand dollars in cash.

Fifthly, I give, devise and bequeath to said Zebulon Latimer, four bonds of the City of Wilmington, of one thousand dollars each, and the sum of five thousand dollars in cash, to be held by him in trust for the sole and separate use of my niece Julia Haddell, wife of A. M. Haddell, for and during her natural life, so that she be suffered to have and receive to her own use, free from the claims or demands of her present or any future husband, and not in any manner liable for the debts of such present or future husband, the rents, issues, income and profits of

said bonds and money, for and during her natural life, her coverture to the contrary notwithstanding; and immediately after the death of said Julia Haddell, then in trust as to said bonds and money, and all interest thereon not paid over to said Julia at the time of her death, for the use and benefit of such of the children of said Julia as may be living at the time of her death, and the issue of any such deceased child or children of said Julia which issue shall be living at the death of said Julia such issue of such deceased child or children so surviving said Julia at her death, to take the share to which it or their parent if living would have been entitled.

And should said Julia Haddell die, leaving no child or children, or issue of deceased child or children her surviving, then I direct and devise, that if at the period of such death of said Julia, it may be lawful by the laws of the Confederate States for Citizens of any of the present United States, or for the particular person hereinafter mentioned, to receive or take and enjoy without sequestration or forfeiture, any property in the State of North Carolina, the said bonds and cash before mentioned as devised, be held, from and after the death of said Julia without children or issue of children her surviving, in trust for the use and benefit of the children of my brother John C. Savage and George Savage, as to two equal fifths parts of said money and bonds, equally to be divided among such of the children of said George and John as may survive said Julia as aforesaid, and as to the remaining three fifths of said money and bonds in trust to divide the same equally among my three sisters, Julia Robins, wife of Gordon Robins of Hartford Connecticut, Julia Rusha Root, wife of Jesse A. Root of Hartford, and Maria Maria C. Jan, wife of Harvey Jan of New Jersey. And should there be no children of said John C. or George Savage, or both of them surviving said Julia as aforesaid, or should any or all of my said three sisters die before said Julia, leaving no issue surviving said Julia, I direct that the shares hereby given to the children of said John C. or George or both, or to such of my sisters as may leave no issue surviving said Julia, be divided among the survivors of the children of said George or John C. and my said sisters, or the issue of such of them as may survive said Julia, such children or issue to take per stirpes and not per capita in all cases. But should the foregoing be in quest in favor of the children of John C. and George, and of said Julia without issue or descendants of issue her surviving, or should the same fail by reason of any other

cases, then I direct and devise, that from and after the death of said Julia without issue as aforesaid her surviving, the said money and bonds be held in trust for the children of my nephew Henry Savage and my niece Mrs. Latimer aforesaid, equally to be divided among them, one half to the children of each, or issue of such children, which children or issue of children of said Henry and Mrs. Latimer shall survive said Julia.

Fifthly- I give devise and bequeath to said Zebulon Latimer, the like sum of three thousand dollars in cash, and four bonds of the City of Wilmington of one thousand dollars each, to be held by him in trust for the sole and separate use of my niece Ellen Savage, daughter of my brother Timothy of Wilmington, so that she be permitted to have and receive to her sole and separate use, for and during her natural life, whether sole or coheir, and free from any claims or demands or rights of any husband she may have, and not liable for his debts, the rents, income, interest, and profits of said bonds and cash; and in trust from and after the death of said Ellen Savage, for the use and benefit of such child or children, of said Ellen by any husband she may have, or the issue of any such child or children, as she may leave her surviving the issue of any deceased child or children of said Ellen to take the share or portion to which its or their parent would have been entitled had such parent survived said Ellen instead of the issue of such parent.

And in case said Ellen should die, unmarried, or leaving no lawful issue or descendants of issue her surviving, then I direct that the said sum of three thousand dollars in cash be paid to my nephew Henry Savage aforesaid, his executors or personal representatives or assigns. And in case of such death of said Ellen as aforesaid, I further direct that the said four bonds of the City of Wilmington aforesaid, be held in trust for the use and benefit of the same persons, and in the same manner, and subject to the same conditions to all intents and purposes as are declared herein of and concerning the money and bonds hereby devised for the use and benefit of my niece Julia Haddell in the event of the death of said Julia without issue or descendants of issue her surviving. And should such devise to said persons be unlawful at the time of such death of said Ellen, without issue or descendants of issue her surviving, then as in the like case in the bequest to said Julia Haddell, I direct and devise in the said four bonds to be held in trust for the benefit in equal parts, of such of the children of my nephew Henry Savage aforesaid and my niece Mrs. Latimer, as may

survive said Ellen, or the issue of such deceased children of said Henry and Mrs. Latimer as may survive said Ellen, one half part of said bonds to the children or issue of children so surviving said Ellen, of each of said Henry and Mrs. Latimer.

Sixth - I give, devise and bequeath to my nephew Edward Savage of Wilmington, the furniture in the house so as aforesaid lately conveyed by him to me, and which house is hereby devised to said Zebulon Latimer for his indemnity by aforesaid.

Seventh - I give devise and bequeath to my brother Timothy Savage of Wilmington, his personal representative and assigns, the sum of five thousand dollars in cash also my buggy and buggy horse.

Eighth - I give devise and bequeath to Zebulon Latimer aforesaid, all my stock in the Bank of Cape Fear, in the Commercial Bank of Wilmington, the Gas Light Company of Wilmington, the Wilmington and Weldon Rail Road Company, all notes and evidences of debt now held by me, or to which I am entitled, and not herein otherwise disposed of, and all debts due me by any one, and not otherwise hereby disposed of, and the house and lot where my brother Timothy now resides, to have and to hold said stocks, debts, choses in action, notes and claims, and said house and lot, to said Latimer, in trust and confidence nevertheless, to and for the use of my said brother Timothy for and during his natural life, so that he shall have and receive to his own use for life, the rents, income and profits, profits, and interest of the above mentioned property. And from and after the death of my said brother Timothy, to divide said property into ten parts equally, one tenth of which shall be held in trust for the use and benefit of each of the following persons, in manner following, that is to say, one tenth thereof for the use of such of the children of my niece Mrs. Latimer, as may survive my said brother, and the issue of such deceased child or children of said Mrs. Latimer as may survive said Timothy, the issue of deceased children to take the portions of their parents in all cases. One tenth thereof in like manner to such of the children of my nephew Henry as may survive said Timothy, with like benefit to the issue of deceased child or children who may survive said Timothy, one tenth thereof in like manner, and with like conditions and limitations, to the children or issue of children of my said nephew Edward Savage, one tenth thereof in like manner and under like conditions to the children and issue of children so surviving

said Timothy, of my niece Mrs. Waddell, and one tenth thereof for the use and benefit of my niece Ellen Savage, should she survive said Timothy but subject to the same conditions and limitations as to said one tenth, as hereinbefore are declared of and concerning the cash and lands hereinbefore devised for the use of said Ellen, save only that on the failure of the said bequest of one tenth, the same shall be distributed as hereinafter directed.

And as to the remaining five tenths, I hereby direct, that if at the time of the decease of said Timothy, or within three years after such decease it may be lawful for the persons hereinafter named to take, receive, or hold and enjoy free of sequestration or confiscation, property in the State of North Carolina, then I direct, that, immediately upon the death of said Timothy, or on the expiration of said period of three years as the case may be, one of said remaining five tenths be equally divided among such of the children of my brother John C. Savage as may survive said Timothy, or be living at the expiration of said period of three years after his death, with like benefit to the issue of deceased children of said John C. Savage, who may survive said Timothy. Or said period of three years, as the case may be, as is hereinbefore provided touching the first mentioned five tenths of said property; In like manner, and subject to like conditions, I give another tenth to the surviving children or issue of deceased children who may survive said Timothy or said period of three years after his death, of my brother George, and another in like manner and subject to like conditions and limitations to the surviving children or issue of deceased child or children so surviving said Timothy, or said period of three years, of my sister Mrs. Julia Robins aforesaid; and another in like manner and subject to the same conditions and provisions in all respects, to those of my sister Mrs. Root; and the last in like manner, and subject to the same provisions and conditions in all respects, to those of my sister Mrs. Law aforesaid.

And I hereby direct that if the last five bequests of one tenth each to the children of my said brothers John C. and George, and my said sisters Mrs. Root, Mrs. Law and Mrs. Robins, be not lawful at the time of the death of said Timothy, then the income of said five shares until the expiration of the period of three years after the death of said Timothy, shall be paid equally to the five devisees of the first five tenths. And should the devise of said five tenths hereby devised to the children of said George, John C., Mrs. Root, Mrs. Law, and Mrs. Robins

husbands. And I hereby authorize and empower said Zebulon Latimer, or his successor in this trust, at any time when to him it may seem most for the interest, of said Mary McRae, or Fizzie Weston, or both, to sell and convey the whole, or any part of the lands hereby devised, and hold the proceeds subject to the uses and trusts hereby declared of and concerning the lands themselves.

Twelfth - I give devise and bequeath my share in St James Church Wilmington, to my nieces Julia Haddell and Ellen Savage and the survivors of them.

Thirteenth - I give devise and bequeath all the rest and residue of my estate, real, personal and mixed, to my brother Timothy Savage.

Fourteenth - I release my brothers, sisters and nephews and nieces of all claims I have against them, on any account.

Fifteenth - I make constitute and appoint Zebulon Latimer my sole Executor, of this my last will and testament.

In testimony that the foregoing, written on the four sheets of paper of which this is one, is my true and only last will and testament, I hereto set my hand and seal this tenth day of September, in the year of our Lord, Eighteen hundred and sixty one, and at the bottom of each page.

Signed, sealed, published and declared as and for his last will and testament by the above named

H. R. Savage *H. R. Savage*

Henry R. Savage in the presence of us the undersigned witnesses. And we do certify that we did see the said Savage sign and seal the same, on the day of the date, of said Will, in the presence of all of us, and that he did then and there pronounce and declare the foregoing to be his last will and testament in our presence, and we did then and there, in his presence, and at his request, and in the presence of each other subscribe our names hereto as witnesses of the foregoing will, on this tenth day of September in the year eighteen hundred and sixty one, the day of the signing and sealing of said will.

Danl. L. Russell
Danl. L. Russell Jr.

I, Henry R. Savage of Wilmington in the State of North Carolina, but now personally present at the Alleghany Springs in Montgomery County in the State of Virginia, do make, publish and declare the following codicil to my will executed by me on the 10th day of September in the year of our Lord, eighteen hundred and sixty one, to which this codicil is attached.

be unlawful at the expiration of said period of three years after the death of said Timothy, then I direct, that said five tenths so devised conditionally to said last five classes of persons, be divided among the first five classes of persons to whom the first five tenths are devised, precisely as said first five tenths are directed to be divided among said first five classes of persons, and, subject to the same provisions and conditions as are declared of and concerning said first five tenths.

And should the devise of any of said tenths fail for want of persons in existence to take the same as herein before provided, or should said one tenth so devised to said Ellen Savage, or any part, of said last five tenths to which she may become entitled, or any other part of any of said other tenths to which she may be entitled, or become entitled, fail to vest in said Ellen or in any children or issue of children of hers, by reason of the death of said Ellen without issue during the life of said Timothy, or by reason of the death of any of the other devisees of said tenth parts before the period fixed for the vesting of any such share or shares, then in such cases, the same disposition shall be made of any of said tenth parts so failing to vest, as is provided herein of and concerning the whole of which such tenth is a part, so that no tenth part failing to vest hereunder, shall go into the general residuum of my estate, unless all of said tenth parts should fail to vest.

Ninth- I give devise and bequeath to said Zebulon Latimer, the sum of fifteen hundred dollars in cash in trust for the sole and separate use of my Grand-niece Anna C. Hotchkiss, free from the control of any husband she may have, and not liable in any manner for the debts of such future husband.

Tenth- I give, devise and bequeath to said Latimer the sum of five hundred dollars in cash in trust for the use and benefit sole and separate, of Marietta Shippen, daughter of my sister Sarah, free from any claim and demand of any husband of said Marietta, and not liable for his debts.

Eleventh. I give devise and bequeath to said Zebulon Latimer, all my lands in Columbus County, North Carolina on or near Waccamaw river, in trust for the sole and separate use in equal parts, of Mary McRae, daughter of my niece Mary Savage and Donald McRae and Lizzie Reston, daughter of my niece Sarah Savage, and ^{Reston} her husband, to be equally divided between said Mary McRae and Lizzie Reston and not to be subject to any claims of their husbands, or liable for the debts of such

husbands. And I hereby authorize and empower said Zebulon Latimer, or his successors in this trust, at any time when to him it may seem most for the interest of said Mary McRae, or Lizzie Weston, or both, to sell and convey the whole, or any part of the lands hereby devised, and hold the proceeds subject to the uses and trusts hereby declared of and concerning the lands themselves.

Twelfth - I give devise and bequeath my share in St James Church Wilmington, to my nieces Julia Haddell and Ellen Savage and the survivors of them.

Thirteenth - I give devise and bequeath all the rest and residue of my estate, real, personal and mixed, to my brother Timothy Savage.

Fourteenth - I release my brothers, sisters and nephews and nieces of all claims I have against them, on any account.

Fifteenth - I make constitute and appoint Zebulon Latimer my sole Executor of this my last will and testament.

In testimony that the foregoing, written on the four sheets of paper of which this is one, is my true and only last will and testament, I hereto set my hand and seal this tenth day of September, in the year of our Lord, Eighteen hundred and sixty one, and at the bottom of each page.

Signed, sealed, published and

H. R. Savage

declared as and for his last will and testament by the above named

Henry R. Savage in the presence of us the undersigned witnesses. And we do certify that we did see the said Savage sign and seal the same, on the day of the date of said Will, in the presence of all of us, and that he did then and there pronounce and declare the foregoing to be his last will and testament in our presence, and we did then and there, in his presence, and at his request, and in the presence of each other subscribe our names hereto as witnesses of the foregoing will, on this tenth day of September in the year eighteen hundred and sixty one, the day of the signing and sealing of said will.

Danl. L. Russell
Danl. L. Russell Jr.

I, Henry R. Savage of Wilmington in the State of North Carolina, but now personally present at the Alleghany Springs in Montgomery County in the State of Virginia, do make, publish and declare the following codicil to my will executed by me on the 10th day of September in the year of our Lord eighteen hundred and sixty one, to which this codicil is attached.

By an accident, the children of my deceased Sister Mrs. Harriet Chase, wife of Professor Chase of Boston Massachusetts were omitted in the draft of my said will. The sole purpose of this Codicil is to supply that omission, without in any other respect changing or modifying my said will, all the provisions, bequests, legacies and devises of which I hereby reaffirm as my true last will and testament, save so far as the same are hereby directed to be changed.

My devise is, and I hereby direct and devise, that if at the time of the death of my niece Ellen Savage without lawful issue her surviving, or without descendants of such issue her surviving, it be lawful for the children of my said deceased Sister Harriet Chase, to take, receive and hold free of confiscation or sequestration property in the State of North Carolina, then I devise and direct, that such of the children of my said deceased Sister Harriet Chase as may so survive my said niece Ellen Savage, or the issue of any of the children of my said Sister Harriet Chase, who may survive, their parents at the time of the death of said Ellen Savage, share equally with my sisters Julia Robins, Jerusha Root and Maria S. Law, and the surviving children of my said Sisters or of any of them, and also with the surviving children of my brothers George Savage and John C. Savage, or either of them, in the distribution of the four bonds of the City of Wilmington devised to said Ellen for life in my said will, the surviving children of my said Sister Chase, as well as the other three Sisters above named, or the children of such of them as may die before said Ellen Savage as aforesaid, and the surviving children of my said two brothers or of either of them, to take per stirpes, and not per capita, as is directed in my said will.

And I further direct and devise, that subject to the same condition, and in like manner in all respects, and upon like terms, and to a like amount as are above declared touching said four bonds, the children of my said Sister Chase, who may survive my niece Julia Haddell, on her death without issue or descendants of issue her surviving, or the children of any deceased child of my said Sister Chase, who may survive said Julia so dying, be allowed to participate equally with the children of my two brothers or either of them, or the issue of any deceased child or children of said brothers or either of them, and with my three Sisters of them or either of them, as may survive said Julia so dying, in the distribution of the money and bonds

in said will devised to said Julia for life, as set forth in said will. And in this, as in all other cases, I direct that distribution be made among the parties named per stirpes, and not per capita, and that where there are issue of deceased children who survive any life tenant named in my will, which children would have been competently to take on the death of such life tenant, that in all cases, in my will and in this codicil, such surviving children of deceased children, shall have only the share to which they or their parents, if living, would have been entitled.

And subject to the same conditions of legality, as are set forth in my said will, and in like manner and on the same terms, and to a like extent as above declared and subject to all the conditions of survivorship mentioned in my said will, and in this codicil. I further direct, and devise, that the children of my said Sister Chase, or such of them as may survive my brother Timothy, at the period of three years after his death mentioned in said will, and the issue of such of the deceased children of my said Sister, as may survive said Timothy, be admitted to an equal participation with the other legatees named in my said will, in the distribution of the property therein devised to Zebulon Latimer in trust for said Timothy for life, and therein more fully set forth. But the mode of such distribution shall be in all other respects the same, and subject to the same conditions as are declared touching the distribution in my said will directed to be made among the ten classes of distributees therein named.

I hereby declare the sole purpose of this Codicil to be, and devise, (that any thing herein contained to the contrary notwithstanding,) it shall be so interpreted, as to put the children of said Sister Chase on a footing of perfect equality with the children of my brothers George and John W. Savage in the distribution of my estate, with all the rights of the children and issue of children of my said brothers, that are declared in my said will, and no other purpose whatever. Witness my hand and seal this eleventh day of September, eighteen hundred and eighty one, and my signature at the foot of each page.

Signed, sealed, published and declared, as and for a codicil to his last will and testament dated September the tenth eighteen hundred and eighty one, witnessed by us, and hereto annexed, by Henry R. Savage the above named testator, in our presence, who, at his request, and in his presence, and in the presence of each other, have hereto set our names as witnesses to said Codicil the eleventh day

of September 1861, the day of the execution of said
Codicil.

Daniel L. Russell
Daniel L. Russell Jr.

State of North Carolina

New Hanover County Court, Decr. Term. 1861.

This paper writing, purporting to be and contain the
last Will and Testament of Henry R. Savage, is ex-
hibited in open Court, and offered for probate, and
is duly proved by the oath of Daniel L. Russell and
Daniel L. Russell Jr. the subscribing witnesses thereto; and
it is considered by the Court to be and contain the last
Will and Testament of H. R. Savage, in every respect,
and sufficient to carry the bequests therein made.
At the same time Tethilon Latimer, the Executor therein
named appeared in open Court, and was duly qual-
ified as such.

Teste Samuel R. Durying, Clerk.
Jno. Woods, Esq. Clerk.

In the name of God. Amen.

I, John Walker of the
town of Wilmington in the County of New Hanover
being of sound mind and disposing memory do make
and publish this my last will and Testament

First: It is my will that my Executors shall as soon after
my death as convenient, pay all my just debts, and
for that purpose I hereby authorize them, with the ap-
probation of my wife Eliza, but not against her will
to sell any portion of my Estate real or personal which
is not hereby specifically devised or bequeathed, but I
request her and them not to sell my Rocky Point
plantation consisting of four separate tracts of land
and containing about fifteen hundred acres, unless it
shall appear to be decidedly more advantageous to
sell it, than to sell any other part of my Estate as
aforesaid; it being my opinion that these lands will
increase in value and prove a desirable settlement
for one or more of my children upon the division
of my Estate hereinafter provided for.

Second: I will and bequeath to my beloved wife Eliza abso-
lutely, all my household and kitchen furniture, per-
taining both to my dwelling house in Wilmington
and my summer house in Smithville, together with the
following slaves, to wit: Duke - Jacob - Jan -
Washman aged about 28 years - Harriet -