

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 -
Washington aged about 28 years - Harriet -

Charles - David - Francis and child Priscilla Rainey and Maria, with their increase born after this day.

I also will and devise to my wife Eliza in fee simple, the lots in the town of Wilmington whereon my late residence and appurtenances stood, known as the Campbell or Walker lots, bounded by Front, Princeps, and Second Streets, and the lots of Mrs. Kearns, Eli St. Hall; The Bank of North Carolina and others; but if my wife Eliza shall marry again then she shall have the said lots only for her life, and the remainder shall be included in and become a part of the remainder disposed of by the next clause.

Third: I devise and bequeath to my beloved wife Eliza for her life only all the balance of my Estate, real personal and mixed, whether in possession or in action, but subject to the following charges upon the net income, to wit; she shall first retain out of it annually for herself absolutely two thousand dollars, second, she shall provide for the maintenance and education of my younger children, Henry, Maggie, Maria, and Calhoun during their minority; and third, she may from time to time apply so much of the residue as may be necessary in constructing upon the Campbell lots aforesaid a suitable dwelling and other necessary and convenient houses, fences &c. for herself, and after that is accomplished, (fourth) she shall hold the said residue for the benefit of all those to whom I hereafter will the remainder in the property and Estate embraced in this clause, in the same proportions and subject to the same trusts and limitations, but I give her the power in her discretion to pay the same from time to time to any of my children or the issue of any that may be dead, with the restriction, however, not to pay more to any of them than would likely be his or her share if living at the death of my said wife. And at the death of my wife Eliza I devise and bequeath all the said balance of my Estate, real personal and mixed, whether in possession or in action, and also the Campbell lots aforesaid should the contingency happen upon which the fee simple is to be divested, to such of my children as shall then be living and the issue then living of such as may be dead, such issue to take per stirpes and not per capita: Except the portion which would come to my son George should he be then living, which I devise and bequeath to my executors and the survivor, to

in trust for him for life, and at his death to convey the same to his children then living and the issue of such as may be dead to take per stirpes, and in default of children and their issue, then to his next of kin; and except the portion which would come to my son John now a citizen of California should he be then living, and be free from disability to take and hold the same; but which I am advised he could not do while a citizen of a foreign State and in war with this Government, nor therefore in case any such disability shall exist at the time my will takes effect, I devise and bequeath said portion, or so much thereof as he shall be unable to take and hold, to my wife Eliza; and also except, that should any of my children die in the lifetime of my wife and without issue living at her or his death, but leaving a husband or wife then living, it is my will that such husband or wife shall have that portion of my estate for life only which his wife or her husband would have taken, had she or he survived my wife Eliza, with remainder, under the same trust and limitations, to such of my children as shall be living at the death of my wife, and the issue then living of such as may be dead to take per stirpes.

And in the division of my estate any advancements, made by me, or by my wife, under the authority herein given her, must be accounted for in value as of the time when made, but no interest is to be charged upon them except upon such sums of money as my wife may have advanced, and none of my children are to be charged with any money paid for their maintenance and education, and my son Thomas O. Walker must not account for a negro named Peter whom I gave to him, because he died so soon afterwards as to have been of but little value to my said son.

Fourth: Should my Executors deem it most prudent and advantageous for all persons interested to sell the whole of said balance of my Estate disposed of by the foregoing third clause, then upon the express condition that my wife Eliza shall freely assent to the same and not otherwise, I hereby authorize and empower my Executors to sell the whole of said property upon such terms as they shall think most judicious, and I direct that the proceeds of the sale shall be invested in Bank, State, or other public

stocks, which are perfectly safe and likely to yield the largest annual income, or in private loans upon undoubted real-estate security; and the fund they created shall be subject to the same Estates, Charges, powers, limitations, and trusts, as are provided for in the third clause in respect to the said balance of my Estate.

Fifth: I nominate, constitute, and appoint my beloved wife Eliza, and my sons Thomas D., William M., Joshua C., and James Alvis Walker Executors of this my last will and testament.

In testimony whereof I have hereunto set my hand and seal the 1st day of February Anno Domini, 1862.

Signed, Sealed, published
& declared by John Walker
to be his last Will & Testament
in presence of us, who at his
request & in his presence have subscribed our names
as witnesses

J. Walker Seal

C. A. Anderson
Walker Mearis

State of North Carolina

New Hanover County Court. March Term, 1862.

This paper writing purporting to be the last Will and Testament of Maj. John Walker, was produced in open Court for probate by the Executors therein named, and the due execution of the same was proved by the oaths of C. A. Anderson and Walker Mearis the only subscribing witnesses thereto, wherefore it is considered by the Court that the said paper writing is the last Will and Testament of John Walker, and that the same be recorded. Whereupon Eliza Walker, Thomas D. Walker, William M. Walker and James Alvis Walker were duly qualified as Executors by taking the oath prescribed by law.

Teste

Samuel R. Bunting Clerk
Jm. (B)rooks Dy. Clk.