

State of North Carolina

Antebellum County Court - December Term A D 1835 -

The foregoing paper writing purporting to be the last
 & Will & Testament of William A Price is exhibited
 to the Court & offered for probate, and is duly proved
 by the oaths of Mr. Martin and Wm N. Peden the subse-
 -quent witnesses thereto & as such considered by the Court
 to be sufficient to carry the bequest therein made, at
 the same time William A Price the executor
 therein named appeared in open Court, and was
 duly qualified according to Law.

Teste

John W. Burdette Clerk

State of North Carolina

I Joseph Swift Miller of the town of
 Wilmington, State aforesaid being of sound and disposing
 mind, but aware of the uncertainty of life, do make
 and publish this my last will and testament, in manner
 and form following

It is my will and desire that my Executor hereinafter
 named, shall as soon as possible after my death, pay
 - all my debts to whomsoever owing, out of such money as
 may come into his hand as part and parcel of my estate,
 such payment however to be made in accordance with the
 direction herein subsequently stated,

I give and bequeath to my brother Thomas C. Miller
 my negro man Fred, to have and to hold the said negro
 unto him his Executors and administrators forever,

I give and bequeath to my brother Augustus Miller
 my Sorrell horse Din, to have and to hold the said
 horse, unto him his executors and administrators
 forever

All the residue of my estate alike real and
 personal which may remain after the payment of
 the above specific legacies and just debts howsoever
 due, I hereby devise and bequeath to my beloved wife
 Anne C. Miller and to my daughter Mary L. Miller, to
 be equally divided between them, share and share
 alike and to be held by them, their heirs Executors
 administrators and assigns forever,
 And whereas my present indebtedness is considerable,
 And the business of my estate will doubtless require

that the amplest discretion should be given to my Executor for its judicious management. I ~~herely~~ ^{hereby} will and direct that my debts shall be paid as soon practicable after my death, by my executor in such, way as his duty must may dictate. And I therefore hereby authorize and empower him either to continue to cultivate my plantation situated in the County of Brunswick, State aforesaid and known as Bellville, with such negroes as belonging to me, and devote the proceeds of the crops made thereon, to the payment of my several liabilities, or to sell the said plantation or negroes, or both, the one and the other, for the purpose of liquidating my debts, as he, in his discretion may think proper and most considerate to the interest of my estate, And I further authorize and empower him, either to retain the House and Lot owned by me in the Town of Wilmington aforesaid at the north Eastern intersection of Front and Chestnut Street. And apply the rent thereof to the payment of my debts, or to sell the said House & Lot for the purpose aforesaid, as he may think proper and most promotive of the interest of my estate.

And whereas my brother Thomas C. Miller many years borrowed the sum of fifteen hundred dollars from the late Louis D. Durr, and gave his own note for said sum with Thomas H. Wright or William A. Wright and John B. Brown as Sureties thereon, (as well as is now remembered) but though the said note was so given the said amount was in reality borrowed for me, and the beneficial use thereof was exclusively enjoyed by me. So that in truth, the debt was mine and has ever been so considered, I therefore direct that the said debt shall be classed among my other liabilities, and I hereby authorize and charge my executor to pay and in all respects satisfy the same out of the assets of my Estate in the same way that he would any other debt which I may owe at my death.

And whereas I am Solicitous that my wife Ann should have the exclusive care and control of my child I hereby constitute and appoint her the Guardian of my daughter herein before named, to have the custody and Guardianship both of the person and estate of the said Mary until she shall arrive at the age of twenty one years or marry. And as I have made no provision for the support of my said wife & child, during the period which may intervene

between my death, and the ultimate division of my estate as hereinbefore directed. It is my will and I hereby direct that my executor shall take from the annual income of said estate such a sum as he may deem sufficient for the comfortable maintenance of my said wife and child so long as my business may remain unsettled in his hands, and until the division of the same.

And lastly I do hereby constitute and appoint my beloved brother Thomas C. Miller my lawful executor to all intents and purposes, to execute this my last will and testament according to the true intent and good meaning of the same, and in the event of his death or refusal to qualify as my executor, then I constitute and appoint my friend John Wooster the father of my wife, as executor of this my last will & testament, hereby revoking and declaring utterly void, all other wills and testaments by me heretofore made.

In witness whereof I the said Joseph Swift Miller do hereunto set my hand and seal this the 10th day of October A.D. 1854

J. Miller Seal

Signed sealed published and declared by the said Joseph Swift Miller to be his last will and testament in the presence of us who at his request, and in his presence have hereunto subscribed our names as witnesses

Joshua S. Wright,
J. D. Poisson

State of North Carolina

New Hanover county Court December Term A.D. 1854

The foregoing paper writing purporting to be the last will and testament of Joseph Swift Miller, is exhibited to the Court & offered for probate, and is duly proven by the oath of both the subscribing witnesses therein and as such considered by the Court to be and contain the last will & testament of said J. Miller, and sufficient to carry the bequest therein made, let the same here Thomas C. Miller the executor therein named appear in open Court, and was duly qualified as such according to law, by taking the usual oath &c

Teste

Saml Bunting clerk