

State of North Carolina

New Hanover County Court, December Term 1850

This paper writing, purporting to be the last will and testament of Daniel Bourdeaux, is exhibited in open Court and offered for probate, and is duly proved by the oath of W. C. Collins & Daniel J. Bourdeaux both the subscribing witnesses thereto & as such, considered by the court to be and contain the last will and testament of said D. Bourdeaux, and as such sufficient to convey the bequests therein made, and as such ordered to be recorded and filed at the same time. Aaron M. Lamb, appeared in open Court, and was duly qualified according to law

Saml W. Bunting, Clerk,

Approaching my latter end which may be suddenly, being cool, collected, and in the full enjoyment of all my faculties

I, Robert M. Brown, having attained the age of sixty-eight years, on the 26th day of June, in the year of our Lord Eighteen hundred and fifty-four, (1854)

Do hereby proclaim and establish the following as my last will and pleasure for the disposal and distribution of all property of which I may die possessed, as regards my real estate and personal matters — my negroes excepted who are arranged for on a separate and distinct sheet numbered 2.

To proceed — I hereby nominate and appoint my own son, Robert Franklin Brown, my executor to act with discretion and justly with all the power and authority that I would possess if alive

To commence and have effect, promptly — immediately after my death — but not before —

Real Estate all in my own right and free from debt will be found to consist of

That fine block of Brick Buildings, or double stores, on Court street, Wilmington, between Hendersons and Pinneys Alley — two stores throught from Shuttles to Doors & Windows.

That large lot, Warehouse & Wharf, Wilmington, between Dock & Orange Streets, south of Mutersally, and extending from Front Street to the River.

Those two lots, and part of a 3d. lot, commencing at the corner of Front and Ann Streets, lying south of Ann Street, my present Hill residence and where expensive Wall fixtures have been erected in Town of Wilmington. The two first from Front Street to the river, embracing wharves the part lot from Front St. to a point under the Hill, as per deed from Aaron Lazarus, decd.

For those three items of Real Estate I propose that my Executor shall have a meeting and consultation with his two sisters - and make three tickets, No. One, two, three. The executor shall stand as No. 1, Columbia A. Lord as No. 2 and Jesse W. Pink as No. 3.

Then name the items of Real Estate, as above on three other and separate tickets. - Place the six tickets in two Hats or boxes - three with numbers, in one - and those having on them the real estate in the other - so as to be reached by a disinterested person, privately, who shall draw first from the hat or box containing numbers and when said one numbered ticket is so drawn, the party shall next draw from the hat or box containing the tickets in which the items of Real Estate are written. One ticket - which they draw will show what item or parcel of real estate shall belong to the number previously drawn out. Draw a second time, as above to give the ownership of another piece or parcel of real estate. The third or last drawn number will of course determine the ownership of the remaining item of real estate. And which real estate shall be the property of and belong to each of my said heirs as chance so decree respectively, for their own use and benefit as by law of North Carolina in favor of Times Coverts ratified Jan'y 29th. 1849, so far as said act concerns my daughter.

Should the three heirs named, among themselves wish and desire to change the drawing of lots which chance has decreed as aforesaid and mutual agree to swap one for the other, I would not have objection, but the party who may become owner of that property believed to be more valuable than the rest - weighing all the circumstances justly as or she, as the case may be, shall pay over to the other two heirs, a fair and equitable difference by any arrangement agreeable, to all concerned.

All the foregoing being settled and decided - my elder son John C. Brown, now of New York, or his heirs

shall have and receive, instead of my Real Estate, except one fourth interest at Smithville alluded to hereafter, Eight thousand dollars in Cash or such money means as shall be on hand.

All other means & household matters which I may be possessed of, like Bank & Rail Road stocks, money on hand, Bonds, notes, Furniture & all debts due to me shall be duly arranged or divided that each of my four direct heirs shall have One fourth - (Negroes excepted as, before said)

The three lots at Smithville, Brunswick County, with improvements thereon, shall belong to all my four heirs Say J. P. Brown, R. F. Brown, Col. B. Lord & Susan A. Frink - and I advise that the whole place should be kept up, in good repair & otherwise properly attended to - for advantage and improvement - good summer resort - Those occupying to account to other absent heirs in any proper and equitable manner.

The establishment requires a keeper - the presence and of a hand, at least from 1st Feb'y. each year to late fall months. Embellishments should and can be continued - Hardy would do best as male hand if he is controlled and made to perform all which I have taught him there - he knows, and is qualified. This Smithville place will be more valuable by & by - The large oak trees and groves add to its comfort - I desire that it be not neglected and hope my family will contrive to hold it for posterity - one or more of them -

All property thus described is good and valuable. I must request and urge that it should be promptly taken care of - Wilmington & Smithville - kept in best condition by repairs, painting &c. - I further insist that the property should enjoy, first and foremost, the full proportions of its earnings before the income is otherwise spent or disposed of -

The half of a place in Brunswick County, N. C. at the head of Walden's Creek, where my Father and mother formerly lived, will be for my four said heirs, say a fourth of its value - if myself and my brother John Brown, who owns it jointly with me, do not arrange otherwise previously to my death.

My younger son R. F. Brown, left as Executor for immediate, prompt and free action, in all the future should, nevertheless, consult, occasionally with his brother John P. Brown of New York for general guidance.

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These two lots, and part of a 3d. lot, commencing at the corner of Front and Ann Streets, lying south of Ann Street, my present Will residence and where expensive Wall pictures have been erected in Town of Wilmington. The two first from Front Street to the river, embracing wharves the part lot from Front St. to a point under the Wall, as per deed from Aaron Lazarus, dec.

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Then name the items of Real Estate, as above on three other and separate tickets. Place the six tickets in two Hats or boxes - those with numbers, in one - and those having on them the real estate in the other - so as to be reached by a disinterested person. Privately, who shall draw first from the hat or box containing numbers and when said one numbered ticket is so drawn, the party shall next draw from the Hat or Box containing the tickets in which the items of Real Estate are written. One ticket which they draw will show what item or parcel of real estate shall belong to the number previously drawn out. Draw a second time, as above to give the ownership of another piece or parcel of real estate. The third or last drawn number will of course determine the ownership of the remaining items of real estate. And which real estate shall be the property of and belong to each of my said heirs as chance so desire respectively, for their own use and benefit as by law of North Carolina in favor of Femer Coverts ratified Jan'y 29th. 1849, so far as said act concerns my daughter.

Should the three heirs named, (among themselves) wish and desire to change the drawing of lots which chance has decreed as aforesaid and mutually agree to swap one for the other, I would not have objection, but the party who may become owner of that property believed to be more valuable than the first - weighing all the circumstances justly he or she, as the case may be, shall pay over to the other two heirs, a fair and equitable difference by any arrangement agreeable to all concerned.

All the foregoing being settled and decided - my elder son John C. Brown, now of New York, or his heirs

shall have and receive, instead of my Real Estate - except a one fourth interest at Smithville alluded to hereafter, Fifteen thousand dollars in Cash or such money means as shall be on hand.

All other means & household matters which I may die possessed of, like Bank & Rail Road stocks, money on hand, Bonds, notes - Furniture & all debts due to me shall be duly arranged or divided that each of my four direct heirs shall have One fourth - (Negatives excepted as, before said)

The three lots at Smithville, Brunswick County, with improvements thereon, shall belong to all my four heirs say S. P. Brown, R. F. Brown, Col. J. A. Lord & Jessie A. Lord - and I advise that the whole place should be kept up, in good repair & otherwise "properly attended to" for advantage and improvement - good summer resort - Those refusing to account to other absent heirs in any proper and equitable manner.

The establishment requires a keeper - the presence and of a hand, at least from 1st Feb'y. each year to late fall months. Embellishments should and can be continued - Hardy would do best as male hand if he is controlled and made to perform all which I have taught him there - he knows, and is qualified. This Smithville place will be more valuable bye & bye - The large oak trees and grove add to its comfort - I desire that it be not neglected and hope my family will contrive to hold it for posterity - one or more of them -

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3d. suggestion—

As things look now— if the affairs and business of the country permits it, and my heirs see fit, would it not be better, for awhile at least, to keep all the active and money means together, to work upon, in the way of Exchange & interest by loans and produce for each much more beneficially than if separated, provided due equivalents are made to those who invest the larger capital, &c.

To take effect at my death and not before
 Witness my hand and seal— on this twenty-sixth day of June, 1854— and on the day that I am 68 years old.

Duly acknowledged— Signed
 Sealed and delivered in the
 presence of

R. W. Brown Esq.

John Brown
 W. Nutt
 Robt. G. Hanchey

C. & D.

26th June, 1854.

Approaching my latter end, which may be suddenly
 I, Robert W. Brown, now sixty eight years of age
 my native town being Wilmington, N.C. and while
 in my right mind and senses—

Having bestowed by Will on my white family all
 my Real Estate, money means, Furniture &c. of which I
 may die possessed.

Have resolved and so hereby decide, after years of
 experience and reflection, to adopt some plan, by which
 my elder negroes, shall be exempt from every compulsory
 exaction or controul by my heirs. Especially those herein
 named as intended to be and remain thus exempt under
 certain limitations required to be carried out by this instrument—

That religion which I revere and those notions of
 humanity I possess, does not permit my leaving said
 negroes liable to be claimed or disturbed— Great
 auxiliary helpers, rendering aid and comfort to my
 children hitherto & myself thro'out many years— my negro
 like my horse or calf must be taken care of—

provided for and well - in full proportion with myself or the due reciprocity is lost or wanting between the master, mistress and their children - The servant, her children or offspring, as "human beings," have the like sensations - Look at the following admittance.

For if your child is all in all and permitted to brow beat my child - I in turn must lose my regard and affection - the lash may control & subdue - but cannot appease, conciliate and propitiate. The controlling authority should regard the subordinated if to deserve charity themselves.!

Hence, with these notions or ideas on my part, I must release them - mainly reared by myself. Those mutual affections predominate - if they do not it is not my fault. They must behave themselves of course or conform to all good counsel, law or order - in which case I wish there will be no molestation whatever. If not so they will deserve consequences, like every other person. The five following named negroes at my death, are to be exempt from ownership or claim of my heirs - but, 1 man Jack will pay monthly or half yearly at rate of one hundred dollars per annum for four years after my death.

2. woman Hannah about 62 years old, will pay at rate of Eighteen Dollars per Ann; for two Years after my death.

3. woman Fanny, about 45 years old will pay at the rate of fifty dollars per ann; for four years after my death.

4. woman Mine, about 34 years old will pay at rate of Fifty dollars per ann. for five years after my death.

5. woman Cora (for five years) will pay at rate of fifty dollars per ann. after my death - but if she persists in brutalizing herself with illegitimate children her future offspring should not be exempt, because she can do and live much better otherwise.

Old woman Dolly must be kept and sustained by the five foregoing named negroes comfortably, and when dead to be decently buried by them.

To each of the five women before named, must be paid in cash immediately at my death for their own private purposes, twenty five dollars as a bequest - provided it is found that I do not bestow it about the period of my exit.

Mrs. Fink may hold Henry and Young, Halifax.

Let your name be kept by Franklin
that his may be made by God or other
and should be doing to a trade - is told until forty
years for all my time.

Let a trademark to be done to trade - is told until
forty years old each for all my time. That's done?
I can make them your signs and useful to him
at New York

Let your name for Christian - should be kept to
thirty years old each and told until forty years old
for all my time

Let your name of "Minnie" shall remain with Hannah
Hannah's name shall be kept - as she is kept so
long in the line - "Hannah" she is a good name and of
you, let her be kept for all my time "what may take
Hannah's name"

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caution of said paper writing by the said Robert W. Brown
as and for his last Will and Testament is proved by the
oath and examination of Henry Nutt, and Robert G. Bankers
two of the subscribing witnesses to the same - It is therefore
considered by the Court, that said paper writing, including
as well the sheet marked No. 1, as also the sheet marked
No. 2, and every part of the same is the last Will and
Testament of the said Robert W. Brown; and it is ordered that
the said be recorded and filed - and thereupon Robert
Franklin Brown the proponent of said last will and
Testament, and the person named therein, as the Executor
of the same, duly qualified as such Executor by taking
the oath prescribed by law, and it is ordered that letters
testamentary issue to the said Robert Franklin Brown as
Executor aforesaid

Saml. R. Bunting, Clerk

In the name of God, Amen: I Richard W. Johnston,
of Wilmington, in the State of North Carolina; being in
feeble health, but of sound and disposing mind and memory,
(blessed be God) and, mindful of the uncertainty of life, do
make, ordain, publish, and declare, this to be my last Will and
Testament, hereby revoking and making void, any and all
other wills, by me at any time heretofore made -
First. I desire and direct, that all my just debts be paid,
as soon, as it can, conveniently be done -
Secondly. I give, devise and bequeath, all my estate, property,
rights of property and choses in action, and anything which
by law, I can dispose of by will, of whatever kind and where-
ever situated, to my beloved wife Jane Francis Johnston
and to her heirs executors, administrators and assigns forever -
Thirdly. I hereby constitute and appoint my beloved wife
Jane, to be guardian, of my children, until they shall become
of age respectively, or the females shall marry, And I also
constitute and appoint my said wife, to be sole executrix
of this my Will -

In Witness whereof I have hereunto set
my hand and seal this 26th day of March, A.D. 1887 -
Signed, published & declared
by the testator, as his last Will,
in the presence of us, who in his
presence, and in the presence of
each other, and at his request have
subscribed the same as witnesses

Richard W. Johnston. (Seal)