

daughters Mary Smith, Susan Simmons, and Sarah Diver, two children, the said two children to draw only their mother's share. To my daughter, Susan Simmons I give one feather bed and furniture and one cow and calf.

To my son John Hillyar, I give one ox cart.

I also give a piece or parcel of land lying and being in the County aforesaid, on the east side of the North East River, to be equally divided between my daughters Mary Smith, Susan Simmons, and Sarah Diver's two children, the said two children to draw only their mother's share.

My two sons John and James Hillyar I appoint as managers to my estate to dispose of it as it is described within.

Signed in the presence of

Stephen Hillyar

Wm. J. Love. Secy.

Hardy broom

State of North Carolina

New Hanover County

County Court, December, Term 1839.

The execution of this Will of Stephen Hillyar was exhibited to Court and proved by William J. Love one of the subscribing witnesses and ordered to be recorded; at the same time John and James Hillyar qualified as Executors.

Witness

Thos. J. Davis. Clk.

I, Samuel Green of New Hanover County, in the province of North Carolina, practitioner in physick, being of sound disposing mind and memory, do make this my last Will and Testament, in manner, and form following; and I do now initiate constitute and appoint Cornelius Hamet, George Moore, Alexander Lillingston and John Ashe esquires, to be executors thereof hereby revoking all other and former Wills by me heretofore made. First of all. I desire to be interred in the Church yard in Wilmington forty eight hours after my decease, in a grave adjoining to those of my sons, without any pomp or expence except what common decency may require. Also I desire that my funeral expences be paid by my Executors as speedily as possible, and all my perishable estate and such as may not be immediately useful be sold.

Also I give and bequeath unto my wife (Hannah Mercer formerly of Liverpool) my negroes Silvia, and her daughter, Phoebe, two cows and calves, and one moiety of my household furniture, to be divided by my Executors. I also give to my said wife one third part of the negroes not herein particularly mentioned, and one third part of the cattle and

hogs, when the same shall be divided according to the directions of this my will. I likewise give to my wife twenty five pounds proclamation money a year, to be paid out of the profits of my estate by my Executors yearly during her natural life. It is also my will that my said wife shall have liberty to reside at my plantation called Greenfield or at my house on the sound called Greenhall, at her option during her widowhood but no longer, and for such time have the houses therein to her sole use, and that she shall have Greenfield garden, dairy, and the poultry on the said plantation at the time of my death to her own use, with liberty to plant, till and cultivate any of my lands, and keep stock thereon, and all other privileges necessary for her use during her widowhood as aforesaid, and in the same manner she enjoyed those privileges in my life time. It is to be understood that these bequests and indulgences to my said wife is in lieu of dower, and all right she may hereafter have or claim to have to my estate. But if my said wife should hereafter insist on her right of dower, then I revoke the legacies, bequests and annuity aforesaid, and order that the same shall go to the use of this my will.

Also it is my will that my son William be kept at the Latin school, until he is master of that language, and that he be completed in arithmetic, the square and cube root, merchant's accounts &c, that he may be properly qualified for the employment of a doctor, lawyer, or some other business, that may be more suitable to his genius, which I hope my Executors will consider. I also hope my executors will be of opinion, that dancing need not be a necessary part of my daughter Hannah's education, or that it is in anywise conducive to promote virtue and morality. If my executors find that my estate could bear the expence, I could wish that my said son and daughter should receive their education in Philadelphia; but that I must submit to the discretion of my said executors.

Sam^l Green.

Also it is likewise my will that my old negro slave named Sarah (after thirty years service) shall not be put to any hard labor, nor into any of the lots or shares hereafter mentioned, but that she shall be supplied with necessaries from the profits of my estate, and do what work she is able, and when my estate comes to be divided as hereafter directed, then I give the said Sarah her freedom in reward of her faithful services, and in the mean time I request that my Executors may not see her suffer, or that she be abused. Also it is my ^{that my Executors} will as soon as may be, collect all my book debts and other debts of whatever kind so as to raise money for the purposes of this my will.

Also I give and devise unto my said Executors all my estate real and personal not heretofore disposed of, be it of what kind or nature soever in trust, for the payment of my debts, the legacies herein before and

herein after mentioned, and for the maintenance and education of my two youngest children till my debts and legacies are paid, if necessary, and as soon as all my debts are paid, and there is money or value sufficient to pay off the pecuniary legacies, then it is my will that my estate be divided in manner hereinafter directed, and that the annuity to my wife be paid out of the profits of the sawmill and the negroes and other things thereto belonging as mentioned in a subsequent devise in favor of my son Samuel. And it is my will that my said Executors shall keep my negroes not herein otherwise disposed of, my saw mill and grist mill employed in planting, sawing and whatever else they may think necessary, under the care and management of some discreet and sober person, which together with the annual rent of my two houses in Wilmington amounting at this time to eighty pounds proclamation money, will I hope in a few years discharge all incumbrances on my estate. And I do hereby empower my said Executors to purchase a slave or slaves to supply the place or places of any of the saw mill negroes that may happen to die before a division shall be had of my estate. Also I give and devise unto Frederick Jones and Samuel Ashe esquires in trust for my daughter, Rebecca Mortimer, widow, and the heirs of her body, seventy five pounds proclamation money, and a lot of ground in Wilmington, joining the late Caleb Graingers land, containing twenty three feet in front. The said legacy and devise to be to the sole and separate use of my said daughter, Rebecca free from the power and control of any future husband or husbands she may have, nor in any wise subject to his or any of his debts. Also I give and devise to the said Frederick Jones and Samuel Ashe in trust for my daughter, Mary Gabe wife of William Gabe merchant in Wilmington, and the heirs of her body, a lot of ground in Market Street joining the lot given to my daughter, Rebecca being twenty three feet in front; a tract of land containing five hundred acres on Clear run in Duplin County, and the house and lot in Wilmington in which the said William lives, free from the power and control of her said or any future husband, nor in any wise subject to his or any of their debts.

3.

Sam^r Green

Also I give and devise to the said Frederick Jones and Samuel Ashe esquires in trust for my daughter, Hannah ^{and the heirs of her body} a lot of ground in Market Street Wilmington containing twenty three feet in front and joining the above mentioned two lots devised to my daughter Rebecca and Mary; a tract of land called Traplans nearumping run below Wilmington containing six hundred and forty acres; a negro called Suzy; two hundred pounds proclamation money; my gold buttons; one fourth part of my household furniture; and one third of my negro slaves, cattle and hogs, and

herein particularly mentioned, when the same shall be divided according to the directions of this my will. The said several devises and bequest to be free from the power, and control of any future husband or husbands she may marry, nor in any wise subject to his or any of their debts. And I request that my said Executor may lay out the said two hundred pounds when the same can be raised from my estate, in young female slaves or by building a small house on the above mentioned lot at their discretion taking care that if slaves are purchased, a bill of sale may be given to the said Frederick, Jones and Samuel Ashe or the survivor of them, in trust for my said daughter, Hannah as aforesaid, Also I give and devise unto the said Frederick, Jones and Samuel Ashe in trust for my son William and the heirs of his body, my house in second street Wilmington and half the lot on which it stands containing thirty three feet in front my houses and plantation on the river called Greenhall, two hundred pounds proclamation money, my silver clasps, my silver watch, all my books on physic and surgery, two thirds of the best of my other books, my medicines, shop furniture and utensils relating to my profession, all my music, one fourth of my furniture, a negro boy called Sampson, a gun called Bishop's gun, and one third of my negro slaves, cattle and hogs, not herein before disposed of when the same shall be divided.

Also I give and devise to the said Frederick, Jones and Samuel Ashe in trust for my son John and the heirs of his body, a lot of ground in second street Wilmington, containing thirty three feet in front joining his brother, William's lot, my land known by the name of Bevis's land, joining Trapland, containing six hundred and forty acres, and one hundred pounds proclamation money. Also I give and devise unto the said Frederick, Jones and Samuel Ashe, in trust for my son Samuel and the heirs of his body, my houses and plantation called Greenfields and the land called Pine Savannah containing in the whole thirteen hundred acres with the saw mill thereto belonging, my oxen, horses, best gun, and the six saw mill negroes named Tom, Kinsale, Frank, Liverpool, Dominica, Tom and Agrippa, and in case of the death of any of the said negroes, then the six negroes that my executors may employ to attend the said saw mill.

Also it is my will that the several devises and bequests given to the said Frederick, Jones and Samuel Ashe if trust as aforesaid, shall not take place, untill all my debts and the pecuniary legacies herein before mentioned are fully paid and satisfied, and that the devises of Greenfields and Greenhall shall continue subject to that clause in this my will in favor of Saml Green

may ~~wife~~. It is ^{my wife} ~~my wife~~ that the money bequeathed to my child
 = need be discharged in such produce as my saw, mill and plantat-
 = ion may produce at market price if need be, otherwise my estate
 may be destroyed by those for whose benefit I have bequeathed it.
 Also it is my will that the several devises and bequests to the said
 Frederick, Jones and Samuel Ashe in trust as aforesaid shall not
 take place till all my debts and the pecuniary legacies are first
 discharged, excepting always in the said bequests my gold buttons,
 household furniture, silver, clasps and watch, my books, medicinal
 shop furniture and utensils, music, guns, and the negroes Sampson
 and Sussey, which are to be delivered immediately; and that the devise
 = ses of Greenfield and Greenhall shall continue subject to that clause
 in favor of my wife.

Also it is my will that if my son Samuel should refuse to comply
 with my will, or sell or incumber, or offer to sell or incumber his right
 therein or to my estate, then I give and devise what I have herein
 before given for his use, to the said Frederick, Jones and Samuel
 Ashe in trust for my son William and the heirs of his body; but
 if my said son William should likewise refuse to comply with
 this my will, or sell or incumber, or attempt to sell or incumber his
 interest therein or in my estate, then I give and devise what I
 have herein before given for his use, unto the said Frederick, Jones
 and Samuel Ashe in trust for my son John and the heirs of his
 body; but if all my sons should refuse to comply with this my
 will, or sell or incumber, or attempt, or offer to sell or incumber their
 respective rights therein or in my estate, then I give and devise all
 my estate herein given and devised to the use of my said sons,
 to the said Frederick, Jones and Samuel Ashe in trust for my said
 wife and daughters, to be equally divided among them, when all
 my debts and pecuniary legacies are paid; and that such part of
 my estate as shall be forfeited by my said sons, and shall as above
 be hereafter given to my said daughters, shall be to them and the
 heirs of their bodies respectively, and shall be equally free from the
 power of their husbands or any of them, the same as the devises and
 bequests herein before particularly given for their respective uses.
 And if all my sons should forfeit their right to the devises & legacies
 herein before given them, then and in that case I leave to each of my
 said sons, five shillings proclamation money and no more. And
 it is also my will, that in case any of my children should happen
 to die without issue of their respective bodies begotten, the devise, bequest
 share or shares of my estate shall go to the said Frederick, Jones and
 Samuel Ashe in trust for my wife and all my other children, and
 to the children of such of them as may be then dead (reckoning the chil-
 = dren of any one of my sons and daughters as one) to be divided among
 them in equal proportions share and share alike and the heirs of their

respective bodies if more than one.
Also my books not herein before disposed of, I give to my sons
Samuel and John, and my three daughters, to be equally divided
among them.

5.

Sam'l Green

And lastly, I give to my grand daughter, Gregory, daughter
of James Gregory late of Wilmington, the sum of five shillings proclama-
tion money; and to prevent trouble for the future in applying to
Courts for divisions of any part of my estate, I request that my
Executors may take that office upon themselves, and value and
divide the negroes, cattle, household furniture and other things
according to their discretion.

This is my last Will and Testament, written upon five pages of
paper, each page signed with my own hand and sealed, the
last clause in the third page having been crossed out, as it is
amended and made more full in a subsequent one. In witness
whereof I have hereunto subscribed my name and affixed my
seal the eleventh day of January, in the year of our Lord, one thousand
seven hundred and seventy one. the words "that my Executors"
being interlined in the second page; the words "and the heirs of
her body" in the third page; and the words "my will" in the fourth page
Signed, sealed, published and
declared, by Doct^r Samuel Green
as and for his last Will and
Testament in presence of us who
have subscribed our names here-
unto (the words "Cattle and hogs"
being interlined in the third page.

Sam'l Green Seal

Anthony Ward
Jonas Dumbibin
Jame Ward

At New Hanover, April Court 1771.

The within last Will and Testament was exhibited to the Court, and
proved on the oath of Anthony Ward a subscribing witness, who swore
that he saw the Testator sign, seal, publish and declare the same to be
and contain his last Will and Testament, and that at the time thereof
he was to the best of this deponents knowledge and belief of sound and
disposing mind and memory; and that Jonathan Dumbibin and
Jame Ward signed at the same time as concurring evidences thereto.
At the same time George Moon, Cornelius Haswell, and Alexander
Hillington esquires, qualified as Executors to the said Will agreeable to
law, ordered so.

John London. C. C.