

New Hanover County,
In the Term of Oct, 1768 } Test

The within last Will & Testament
of Allan Sloan was proved in due form of law, on the oath of
Alexander Mc Dougall one of the subscribing evidences thereto,
who swore, that the testator, was at the time of executing the
same, to the best of his knowledge and belief of sound & disposing
mind and memory, and that William barrel signed as con-
curring evidence with him at the same time

Test

John London. C. C.

North Carolina Sec.

In the name of God Amen.

I, Samuel Swann of the County of New Hanover, in the Province
of North Carolina aforesaid, Gentleman, being weak, of body and
much impaired in health, but of sound mind and memory,
(through the mercy and goodness of God) do make and declare
these presents to be and contain my last Will and Testament,
and I do hereby revoke and declare null and void all Wills
and Testaments by me heretofore made.

I commend my soul to Almighty God who gave it, and
my body to the earth to be decently buried at the discretion of my
executors herein after named. And as for the worldly goods &
estate wherewith it hath pleased God to bless me, I give and dispose
of them in manner following.

Item. It is my will that all my just debts and funeral expenses be
first paid out of the profits arising by the labour of my slaves and
produce of my plantations.

Item. I give and bequeath to my dearly beloved wife and the plan-
tation whereon I now dwell, also my plantation called Legere,
together with the lands and appurtenances to the said plantations
belonging, for and during the time of her widowhood, to my
dearly beloved wife, I give and bequeath to my said dearly beloved wife, the use
of the following named negro slaves, vizt, Mingoe, Billy,
Byrus, Dublin, Kate his wife, during her widowhood, and after
her death or marriage I give and bequeath the said several
negro slaves to my beloved son Samuel Swann and my beloved
daughter Jane Bone, to be equally divided between them, share
and share alike.

Item. I give and bequeath to my dearly beloved wife during her
natural life, the use of my negro ^{fully with the present and future increase,} wench, ^{and her increase} and after her decease
I give and bequeath the said wench, to my son Samuel Swann.

Also I give and bequeath to my said dearly beloved wife Jane, all my

broke work, horses and oxen, and all the plantation tools utensils to the aforementioned plantation: belonging or appertaining, to her, her heirs and assigns forever.

Item. I give and bequeath to my said dearly beloved wife, one third part of all my household goods, furniture and plate. And also the use of the other two third parts of my said household goods, furniture and plate during her widowhood. And upon or at her intermarriage I give and bequeath the said two thirds of my household goods, furniture and plate, of which I have given my said

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wife the use of as aforesaid, to my son Samuel, and my daughter Jane, to be equally divided between them share and share alike.

Item. I give and bequeath to my dearly beloved wife, all my books of divinity and religion.

Item. I give and bequeath to my grand daughter Rebecca Jones, my negroe girl named Diana.

Item. I give and bequeath to my grand daughter Jane Jones my negroe girl named Nelly.

Item. I give and bequeath to my grand daughter Anne Jones, my negroe girl named Maria.

Item. Whereas I have in full performance and fulfilling of a certain agreement, made with John Lyon Esq, upon the intermarriage of my son Samuel with Mildred the daughter of the said John Lyon, to give unto my said son as many negroe slaves, as should be with the equal in number and value to the slaves, ^{that the said John Lyon was in his own right possessed of} heretofore given & delivered to my said son Samuel the following negroe slaves, viz, Jacky, Peter, Zanger, Daniel and Delia, and also have given him a negroe slave named Phebe with her two children in exchange or lieu of a negroe wench named Long Moll and her increase, which I gave to my son in law Frederick Jones, and which negroe Phebe and her increase, he my said son Samuel hath accepted and received in exchange or lieu as aforesaid, and also have given him my negroe wench Nelly, with her present and future increase, after the death of my beloved wife as is aforementioned in this my last will; Now I hereby confirm to my said son Samuel the aforesaid gifts, the said negroe Jacky, Peter, Zanger, Daniel, Delia, Phebe and her children, and after the death of my wife, the wench Nelly with her present and future increase as afore mentioned.

Item. Whereas I heretofore gave to my beloved daughter Jane Jones the following named negroe slaves, viz, Simboy, Lucy, Doll, Long Molly, Molly, and Jane and their increase (the increase of Jane excepted), I now hereby confirm unto my said beloved daughter the said gift of the negroe Simboy, Lucy, Doll, Long Moll, Molly and Jane and their increase (the increase of Jane excepted).

Item. I give and bequeath unto my dearly beloved wife Jane, my beloved

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son Samuel and my beloved daughter Jane Jones, all the rest and residue of my slaves and other personal estate which I shall dispose of, and not otherwise in this my last will disposed of to be equally divided between them, my wife including in her third part or lot of negroes if she shall so desire, the women Maria, Anne and Sue, and any two other negroes she shall choose. It is my will and direction that my several stocks of sheep, cattle and hogs upon my plantation whereon I now dwell, my plantation called Leggs and my Holly Shelter plantation, be kept and remain for the use of my dearly beloved wife and my son Samuel and their families, till the death of my said wife, after which I give one fourth part of all said stock to the three youngest daughters of my daughter Jane Jones to be equally divided between them; and the residue of said stock I give and bequeath to my beloved son Samuel.

Item. It is my will and direction, that my negro fellow Isaac, for his unswerving fidelity and services to me for many years past, be not considered as any part of my personal estate, nor included in any lot or division of negroes, but that he remain in the service of my wife during her natural life (to whom I doubt not, he will continue his fidelity), and that after her decease, he be entirely discharged and set free, and that a certain spot of land not exceeding ten acres, upon either of my plantations as he shall choose, be allotted and laid off to him for his particular use and benefit during his natural life, and in case he shall by age, sickness or other accident be rendered incapable of supporting himself, I earnestly recommend it to my son Samuel and my son in law Frederick Jones to maintain and support him.

Item. I give, devise and bequeath to my beloved son Samuel after the death or dissolution of my said beloved wife, my plantation and lands whereon I now dwell, also my plantation called Legges, together with the houses and appurtenances to the said plantations belonging and appertaining, to hold the said plantations with the houses and appurtenances to the same belonging, to him, his heirs and assigns forever, provided always & upon this condition, that if my said son Samuel do attempt or go about to do any act or acts, thing or things to alien or discontinue the said plantations or lands or any part or parcel thereof, either by feoffment, fine, recovery, or by any other ways or means, before he shall attain the full age of thirty years: Provided also and upon condition my said son Samuel, in case my grand son John Swann the age of twenty one years, shall refuse to change his surname to Swann shall refuse to make over and convey in absolute fee to such other male

issue of my daughter, Jane as shall then be living and bearing the surname of Swann, and in default of such male issue, to the issue the daughter, of my said daughter, Jane Jones, the plantation and lands whereon my late brother, John Swann dwelt at the time of his decease, and which were by the last Will & Testament of my said brother, given and devised after the death of his wife (since deceased) to my said grandson John Swann Jones upon condition that he doth live to the age of twenty one years and will change his surname to Swann, that then and either said immediately and from thenceforth the estate, interest still of him my said son Samuel of and in the said plantations lands, houses and appurtenances herein above given & devised to my son Samuel should cease and be clearly determined and extinguished, and that then immediately and from thenceforth the same shall be to the heirs of my daughter, Jane Jones.

Item. I give, devise and bequeath to my beloved son in law, Frederick Jones, his heirs and assigns forever, a lot of land in Wilmington near Mr. Hogg's the house, whereon Gabriel Ward formerly dwelt, and which I purchased of one ^{John} Sears and his wife. Also I give and devise to my said son in law, Frederick Jones, his heirs and assigns forever, a tract or parcel of land lying and being on Holly Shelter Creek, containing about two hundred and fifty acres, granted me by Patent bearing date the twentieth day of April in the year of our Lord one thousand seven hundred and forty five, adjoining to which the late Mr. Samuel Peil took up lands, which have since been purchased by my son in law, Frederick Jones.

Item. I give, devise and bequeath to my said son in law, Frederick Jones, his heirs and assigns forever, all my lands lying and being on the branches ^{Long Creek} of, and adjoining the lands of the late Colonel James Davis deceased.

Item. I give, devise and bequeath to my beloved son Samuel and my beloved son in law, Frederick Jones, a tract of land situate in Cumberland County, containing by estimation six hundred & forty acres, which I purchased of the devisees of the late Mrs. Ann Montgomery, to be by them or the survivor of them sold for the said Swann

payment of my debts; but if my debts may be conveniently and speedily paid and discharged by the profits arising from the labour of my slaves, and the produce of my plantations, without the sale of the said tract of land, then and in that case I give & devise the said tract of land to my said son Samuel and my said son in law, Frederick Jones and their respective heirs forever to be equally divided between them.

Item. I give, devise and bequeath the two lots in Cumberland County which I purchased of the Commissioners of said

town, to my beloved son Samuel and my beloved son in law
Frederick Jones and their respective heirs and assigns forever, to be
divided between them by ballot or otherwise as they shall choose.
Item. I give, devise and bequeath to my beloved daughter, Jane
^{the late wife of my son Frederick} Jones, the two half tracts or the six hundred and forty acres of land which
I purchased of the said late Mrs. Ann Montgomery, devisee, and
which are situate in Bladen County, near adjacent to the
lands of the late John Babbista as she deceased commonly called
Ashewaga lands.

Item. I give and bequeath to my beloved son Samuel, all my
law books, mathematical books, Clapich, Latin and Greek, authors,
Item. Whereas I have heretofore advanced and paid several sums
of money to and for my said son in law Frederick Jones; and
have also lent him for several years past, my two negroes, he and
Isaac, now it is my will and desire, and I would have it so
understood, that no charge against him or deduction out of
any legacies in this my will given and bequeathed him, be made
for the same or any part thereof. And I do in consideration of
his care and diligent attention to my affairs and business for
these several years past, and also in satisfaction for the sum of
money he hath heretofore paid and advanced for me, hereby
remit and release the same to him his heirs Executors & Administrators
Item. If my children should both die without leaving issue of
their or one of their bodies lawfully begotten, then and in such case
after the death of my said wife, I give, devise and bequeath the said
houses, plantation and lands whereon I now live & the plantation
called Leggers, with the appurtenances to the said plantation belonging
to my nephew Samuel Ashes son of my sister, Elizabeth Ashe, and his
heirs and assigns forever.

Item. It is my will and positive direction, in case any dispute or
controversy shall hereafter arise between any of the parties concerned
in this my will (which I earnestly recommends to them to and hope
they will avoid) of or concerning any bequest or legacy herein given,
or of or concerning the construction of any clause or clause of
this my will, that such dispute or controversy be referred to my
nephew Samuel Ashes, to be by him finally settled and determined;
and from the good opinion I have of his knowledge and integrity,
and as he best knows and understands my intentions in this
my will, if any of the parties upon any such dispute or controversy
shall refuse to submit the same to his determination, or shall
refuse to submit to his determination thereof when made, then and
in that case I give and bequeath the matter or thing so disputed or
controversied ^{to the party} who shall be willing to and doth submit to the deter-
mination of my said nephew.

Lastly. I nominate and hereby appoint my dearly beloved wife Jane Swann and Executors (during her widowhood and no longer) my beloved son Samuel Swann, my beloved son in law Frederick Jones and my loving nephews Samuel Ashe, Executors of this my last will and testament (contained in these six pages) desiring they will to the utmost of their power, see the same duly performed.

In testimony I have hereunto set my hand and seal this twelfth day of August, in the year of our Lord one thousand seven hundred and seventy two

Signed, sealed, published and declared in the presence of, the words

Sam Swann *Seal*

"belly, with her present and future increase"

between the twenty sixth and twenty seventh lines in the first page, and the words "equal in number and value to the slaves the said deceased was in her own right possessed of" between the fifteenth and sixteenth lines in the second page, the words "Long Creek," between the thirty third and thirty fourth lines in the fourth page, and also the words "to the party," between the twelfth and thirteenth lines in the sixth page being first interlined.

Sarah Hain

Mary Heron

John Wells

John Buford

"A Codicil"

I Samuel Swann of the County of New Hanover in the Province of North Carolina, Gentlemen, do this 12th day of June in the year of our Lord one thousand seven hundred and seventy three, make and publish this my codicil to my last will and testament, in manner following, that is to say,

Whereas in and by my last will and testament, I have if my children therein named should both die without leaving issue of their or one of their bodies lawfully begotten, then and in such case after the death of my wife, given, devised and bequeathed to my nephew Samuel Ashe son of my sister, Elizabeth Ashe, the houses, plantations and lands whereon I now live, and the plantation called Legons with the appurtenances to the said plantations belonging, and his heirs and assigns forever, whereby it may be construed that the gift and devise of the said houses, plantations and lands before mentioned, to be given, devised and bequeathed to my son in fee simple conditioned in my will, is no other estate in him, than an estate in Tail by implication, and as I had no intention of giving and devising the said houses, plantations and their appurtenances to my son under any manner of intail either expressed or implied, I do hereby order and declare, that my will is, that the devise aforesaid of the aforesaid

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houses and plantations, in and by my said last will, after the death of said wife, if my children should both die without issue, to my nephew the said Samuel Ashe son of my sister Elizabeth Ashe and he revoked and remain null and void, and I do hereby, revoke, withdraw and make null and void the said clause of my will and the gift and devise of the said houses and land therein mentioned to be given and devised to the said Samuel Ashe as above said; and that my son have and hold the said houses and lands in fee simple, conditional as devised to him in and by my said will,

And whereas I have given and bequeathed in and by my last Will and Testament, to my grand daughters Rebecca Jones, Jane Jones and Ann or Nancy Jones each a negro girl by name, I do hereby order and declare that my will is that in case any of my said grand daughters should die before the age of twenty one years or marriage, the negro girl mentioned in my said will to be given to such child so dying, together with her increase shall go the survivor or survivors of my said grand daughters, and lastly, it is my will and desire that this present Codicil be annexed to and made part of my last Will and Testament to all intents and purposes. In witness whereof I have hereunto put my hand and seal the day and date above written

Saml Swann (Seal)

Signed, sealed and published
by the said Swann to be annexed
to his Will in the presence of
Mary Heron
John Wills
William Green
Eliza ^{his} Jones _{mark}

A second Codicil to my Will

I Samuel Swann of New Hanover County, in the Province of North Carolina, Gentleman, do this ^{twenty first} ~~second~~ day of ^{January} ~~February~~ in the year of our Lord one thousand seven hundred and seventy four, make and publish this my second Codicil to my last Will and Testament in manner following, that is to say, Where as I have in ^{and by} my last will and Testament given bequeathed to my grand daughter, Rebecca Jones, my negro girl called Dinah or Deana; and to my grand daughter, Jane Jones my negro girl named Kelly, and to my grand daughter, Ann Jones my negro girl named Maria; and also have by my first Codicil bearing date the twelfth day of June one thousand seven hundred & seventy three and annexed to my said will and testament, ordered & directed that in case of the death of either of my said grand daughters before

the age of twenty one years or marriage, the negro girl mentioned to be given to such child so dying together with her increase shall go to the survivor or survivors of my said grand daughters; Now, I do hereby revoke and make null and void the said second legatee of the negroes aforesaid to my said grand daughters, in and by my said last Will and Testament, given and bequeathed; And I do hereby also revoke, annul, declare and make void and of no effect the clause and clauses in my said first codicil wherein I have ordered and directed, that the said negroes with their increase in case of the death of either, of my said grand daughters before the age of twenty one years or marriage, should go to the survivor or survivors of them; And I do hereby give and bequeath to my grand daughter, Rebecca Jones, my negro girl named Maria (Nans daughter).

Item. I give and bequeath to my grand daughter, Jane Jones my negro girl called Jane (Pegs daughter)

Item. I give and bequeath to my grand daughter, Ann Jones, my negro girl named Myrtilla (Hester's daughter)

Item. I give and bequeath to my grandson, Frederick Jones, my negro boy called Ben (bates son) - And it is my will and desire and I hereby order and direct, that in case of the death of either, of my said grand children before the age of twenty one years or marriage, that the negro mentioned to be given to such child so dying, together with her increase shall go to the survivor or survivors of my grand children aforesaid.

Item. I give and bequeath to my grand daughter, Emily Howard my negro girl named Beena (Mary's daughter) and lastly. It is my will and desire, that this my present second Codicil, be annexed to and made part of my last will and testament, to all intents and purposes.

In witness whereof I have hereunto put my hand and seal the day and date above written.

Signed, sealed and published by the said Sam^r Swann and annexed to his last Will and Testament for and as his second Codicil to the same in the presence of us, the words "Second Codicil" in the second line from the top of the first page being first erased, and the words "thirty first, January" interlined between first and second lines of the same page.

Sam^r Swann, John Wells
Henry Wootton, Sam^r Keese

Sam^r Swann (Seal)
Jan^y 31. 1774

At New Hanover
 April Court 1774

The within Will with the Codicils annexed was exhibited to the Court and proved in due form of Law and the oath of the Rec^d Mr John Wills a subscribing witness thereto who swore that he saw the Testator sign, read, publish and declare the within to be and contain his last Will and Testament and Codicils annexed thereto, and that at the time thereof he was of sound and disposing mind and memory, &c. at the same time Samuel Swann and Frederick Jones Esq^s Executors therein named duly qualified as such agreeable to Law
 John London. C. J.

In the name of God Amen. I Charles Steward now of the town of Wilmington in the Province of North Carolina, Carpenter, being very weak, but of perfect mind and memory, thanks be given unto God, calling unto mind the mortality of my body, and knowing that it is appointed for all men once to die, do make and ordain this my last Will and Testament, that is to say, principally and first of all, I give and recommend my soul into the hand of Almighty God that gave it, and my body I recommend to the earth; and as to my worldly effects, I give and bequeath all and singular my estate both real and personal unto my sisters if they are living; otherwise, I give it to John Gordon and John Allen, who together with William Steward I do constitute, make and ordain Executors of this my last Will and Testament, I do hereby utterly disallow, revoke and disannul all and every other former Testaments, Wills, Legacies, Bequests and Executors by me in any ways before named, written and bequeathed, ratifying this and no other to be my last Will and Testament, In witness whereof I have hereunto set my hand and seal this first day of July in the year of our Lord one thousand seven hundred and seventy six.

Signed, Sealed, published, pronounced and declared by the said Charles Steward as his last Will and Testament, in the presence of us, who in his presence and in the presence of each other have hereunto subscribed our names.

Mary: Proctor
 Joseph Tilly
 Florence McCarty

his
 Charles (Ch^s) Steward (Seal)
 mark,