

In the name of God Amen. I, Thomas Fitzgerald of the town of Wilmington and State of North Carolina, make this my last Will and Testament, I resign my soul to its creator in all humble hope of its future happiness, as in the disposal of a being infinitely good, I hereby make and appoint my particular friends Archibald Fotheringham McNeil, John H. Burgwin Esquires, Robert Hitchell and Owen Keenan at present, Merchants in this town, the survivors or survivor of them, Executors of this my last Will and Testament, as to my body, my Will is that it be buried near that of my dear departed wife, and a plain tomb stone may be procured, mentioning the names and date of both the parties departed, Before I enter on the subject of a division of whatever real or personal property my five children have a right to possess, namely John my eldest son, Margaret, Edward, Henry and William, all of whom I wish may nearly share equal; it is also my desire that if I should depart this life during the minority of my children above mentioned, that they choose guardians from among my Executors heretofore mentioned in this my last Will and Testament. I should wish to be understood, that those gentlemen which I have named as my Executors, had in part done me some good offices, I therefore hope they will not refuse me this last request after my death, namely, that of the care of my children, I give and devise to my eldest son John, that plantation at the Brown Marsh in Bladen County containing 140 acres, the deed of which land was from Doct^r Daniel McNeil to him, as appears on record in Bladen County, I have to make one remark, relative to the situation and circumstance of the house and lot, in Front Street, known by No. fifty two, (52) in the plan of the town which remark is this, viz, that the deed of said lot, was made to my son Edward, the purchase was made by me from money obtained by lottery, and some circumstances occurring which I cannot easily explain, had made a deed in favor of my son Edward, who having two brothers after said deed was made, I think, it just and fit, that the latter, should partake of a share in the above lot, namely, Henry and William my two youngest sons, and also my daughter, Margaret, to have a share in the same lot, which lot ought to be divided into four parts, that part fronting second street I wish to give to my daughter, Margaret, and the remaining three fourths to my sons Edward, Henry and William. and I wish my son Edward on his coming, of age, ought to make a title for three fourths of said lot herein bequeathed,

The three (say four negroes) namely Demarr, Limerich, Phebe and her child Franklin, are for the benefit of my five children, except Phebe and

her child Franklin I wish to give to my daughter, Margaret; it is
also my desire that if she should marry, that whatever property
she may have, may be settled on herself and not subject to any debts
or debts of her husband. The deeds of the above mentioned plantation
and also the above mentioned lot No 52, fifty two, are in the hands of
Samuel R. Localy Esq.

This is my last Will and Testament, written
with my own hand, and sealed with my seal, this twenty eighth
day of December, one thousand eight hundred and five, 1815.
Test
Thos Fitzgerald. Seal
Ja: Moran.

I wish to annex to this Will, that as some inquiries may probably
be made by some relatives in Europe, I would wish to make known
that I was the fifth son of Garrett Fitzgerald formerly of Shannon
grove in the County Limerick, Esquire, Ireland.
Thos Fitzgerald

Since writing my last Will and Testament herewith annexed, I
have the melancholy and almost heart broken account of the death
of my dearly beloved son John, who fell from the yard of the big
House lying at Port Antonio in the Island of Jamaica, which fall
occasioned his death twenty four hours after, that ever to be lamented
accident happened; in which case the plantation in Bladen
containing 640 acres as herein specified devolves to his heirs; it is
therefore my desire that it should be considered as such, which
the laws of this State will more particularly explain.
Wilmington N Carolina }
11th March 1816 } Thos Fitzgerald
Ja. Moran. Test.

New Hanover County. } County Court August Term
The execution of the within Will of Thomas
Fitzgerald was proved by James Moran subscribing witness. At the
same time Arch^d H. Chell qualified as Executor thereto.
Witness
Thos H Davis. Cky