November Term Pitt County Court 1864

A paper writing without superscribing witnesses purporting to be the last Will & Testament of Chas H. Spain died is exhibited in open Court for probate by S. H. Spain one of the Executors therein named; and it is thereupon proved by the oath and examination of S. H. Spain that the said Will was found among the valuable papers of the said Charles H. Spain after his death and it is further proved by the oath & examination of H. G. Parker, Willis Williams & N. A. Newton that they are acquainted with the hand writing of the said Chas. H. Spain having often seen him write and that they verily believe that the said Will and every part thereof is in the genuine hand writing of the said Chas H. Spain. It is therefore considered by the Court that the said paper writing is the last Will & Testament of the said Charles H. Spain decd and the same is ordered to be recorded & filed after the Executor enters into Bond in the sum of ten thousand dollars with Benjamin Bell & William Hornaker as Sureties. Bond given & Executor qualified according to Law.

G. A. Darry Clerk.

I Wm. T. Marsh do make and ordain this my last will and testament. It is my desire that my remains should be interred in the old family burying ground at Bath with as little inconvenience to those residing on the premises as possible.

It is also my desire that my legal representative or executor have a suitable tablet or monument erected over my grave to mark the spot, and also an iron fence placed around that portion of the old burying ground which contains the remains of my Father Mother, brothers and Sisters; and that sufficient funds be applied out of my estate for that purpose.

I desire that a sufficient number of my bonds, or debts due me should be collected to pay all my debts without any of my effects being exposed to public sale. Should my indebtedness exceed the bonds, notes, and debts due me, I wish my negroes to be hired out for that purpose. Should it be apparent that they would not in two or three years hire for enough to effect this, then and in that event, I wish as many of them sold as will be necessary. In selecting those to be sold, I wish care that those which have been longest in the family and are most respected by me be omitted.

I give to my brother Edward S. Marsh all my books, furniture, stock, tools and farming implements upon our farm, but it is my desire that he should have them valued by two or more disinterested persons, and apply a sum equal to one half their value in the purchase of Bank or other stocks, land or negroes, as he may deem best to be held by him in trust for the use and benefit of my Sister Ann, wife of Jno. S. Long and her children free from the controll of her present or any future husband and in no wise to be subject to any of their debts or liabilities. Should the said Ann die during coverture, then the said Edward S. Marsh is to hold ~~hold~~ the property so invested for the use and benefit of the Children of the said Ann but if she should leave no child or children surviving her, or in case her child or children should die before they attain the age of twenty one years, or ~~before~~

they marry, then and in that case I wish my brother Edward S. Marsh and his heirs to have the same unconditionally. Should my brother Edward S. Marsh fail to carry out the above expressed wish in letter and spirit, I only in that case bequeath to him one half of the above named property.

I give to my Brother Edward S. Marsh one half of all my property real and personal remaining in fee simple forever. With the privilege of taking the whole of my legacy upon the same conditions as my books and furniture referred to above.

The portraits of my Father and mother I wish my Brother Edward to have and preserve.

I give the remaining half of my property to my Brother Edward S. Marsh and such discreet person as the Superior Court of Equity may appoint, who is not objectionable to any of the parties interested, as Trustees in trust for the use and benefit of my Sister Ann wife of Jno. S. Long during her life and in no way to be subject to the debts or liabilities of the said Jno. S. Long or any husband whom she may hereafter marry. Should the said Ann die during coverture then the Trustee aforesaid are to hold this property for the use and benefit of the children of the said Ann; but if she should leave no child or children surviving her or in case her child or children should die before attaining the age of twenty one years or before they marry, in either case, then the said property is to pass from the Trustee aforesaid and to become the unconditional property of the said Edward S. Marsh, and his heirs.

I do hereby constitute and appoint my Brother Edward S. Marsh my Executor to this my last will and testament.

In testimony whereof I have hereunto set my hand and seal this 31st day of July 1858

Wm. T. Marsh (Seal)

State of North Carolina } Court of Pleas & Qr Sessions
Pitt County } Aug Term 1863

There is the within & foregoing paper writing purporting to be the last will & testament of Wm. T. Marsh deceased exhibited in open Court ~~for~~ for probate by Edward S. Marsh the Executor therein named & it is thereupon proved by the oath and & examination of Philemon Brown that the said will was found among the valuable papers of the said Wm. T. Marsh after his death; & it is further proved by the oath ~~&~~ examination of three competent & credible witnesses, to wit R. S. Dowell, J. B. Satterthwaite & J. R. Cherry that they are acquainted with the hand writing of the said Wm T. Marsh, having often seen him write, & verily believe that the name of the said Wm. T. Marsh subscribed to the said will & the said will & every part thereof are in the hand writing of the said Wm. T. Marsh. It is therefore considered by the Court that the said paper writing is the last will & testament of the said Wm. T. Marsh & the same is ordered to be recorded & filed. And the said Edward S. Marsh Executor as aforesaid, duly qualified by taking the oath required by law & entering into bond as required by the Court in the sum of Ten Thousand dollars with S. T. Carron, J. B. Satterthwaite & E. J. Warren as Sureties.

G. A. Darry Clerk