

Simon Marsh's last will and testament

In the name of God, Amen. I Simon Marsh of the County of Union and State of North Carolina being very sick and weak in body but of sound and disposing mind and memory, do hereby make and ordain this my last will and testament in the following manner and form. First and principal of all I recommend my soul to God who gave it and my body I recommend to the earth to be buried in a decent Christian burial at the discretion of my relations and friends. And as to such worldly estate as it hath pleased God to bless me with in this life, I give, devise and bequeath in the following manner and form.

Item 1st I give to my kind and beloved wife Elizabeth during her natural life time all my land and plantation whereon I now live and also my plantation called the Lotherp Place. All my house hold and kitchen furniture my Buggy and harness two horses or mules such as she may think proper Two Cows and Calves. Fifteen head of hogs such as she may select four plows, two set of plow gear, two wedding kegs, three or more one year support out of my crop and stock and provision on hand, also all my interest in my mill on Lanes Creek. My stock of sheep, Twelve Hundred Dollars in Cash including what Gold and Silver and Bank notes I have on hand, making in all the above sum of Twelve Hundred Dollars also Three negro Slaves, namely: Dick, little Lewis and Ann, also my waggon and gear to have and to hold to her own proper use during her natural life time

Item 2nd The balance of my estate not willed away such as my negroes, crop, stock, and property of every description, I will that it all be sold on the usual credit and the net proceeds of the sale when the money is collected I give to my sons William

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my land and plantation whereon I now live and also my plantation called the
Lotherp place. All my house hold and kitchen furniture my breezy and harness
two horses or mules such as she may think proper. Two cows and calves. Fifteen head
of hogs such as she may select. four plows. two set of plow gear. two wedding kees. three
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all my interest in my mill on Lower Creek. My stock of sheep. Twelve Hundred
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Item 2^d The balance of my estate not willed away such as my negroes. Crop. Stock, and
property, of every description, I will that it all be sold on the usual credit and
the net proceeds of the sale when the money is collected I give to my sons William
B Marsh John S Marsh, my daughter Jane Bivens and the children of my
son Edmund S Marsh to be equally divided so that Edmunds children shall share
one fourth part, or what their father would share of living; It is my will that

Simon Marsh's last will and testament cont.

that the part which falls to my son Edmunds Children be retained in the hands of my executor and paid to my said Sons Children as they arrive at the age of twenty one year of age. It is further my will that if peace should be made with the United States and my son Edmunds widow should wish to return to this part of the Country, that my executor, purchase a suitable plantation for her to live on, to be paid for out of the money willed to my son Edmunds Children. But should said widow not choose to return to this Country then the money willed to her Children be paid to them as they arrive of age. I also will that all the property I have willed to my wife be sold at her death on the usual credit and the money arising from sale be equally divided among my heirs as before mentioned so that my son Edmunds Children shall draw one fourth part provided they are of age. I have heretofore given to my sons William Blamish John S. Marsh & my son in law James Bivens a negro man by the name of Big Lewis now run away, to sell and dispose of him as they think proper but have reserved one fourth part for my son Edmunds Children. I now hereby confirm said gift and require the part that falls to Edmunds Children to be paid them as they arrive of age.

Lastly

I hereby nominate and appoint my sons William Blamish, John S. Marsh & my son in law James Bivens executor to this my last will and testament disannulling and revoking all other wills by me previously made acknowledging this only as my last will and testament.

In witness whereof I have hereunto set my hand and seal this 11th 33^d

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I hereby nominate and appoint my sons William B Marsh, John S Marsh & my son in law James Bivens executors to this my last will and testament disavowing and revoking all other wills by me previously made acknowledging this only as my last will and testament in witness whereof I have hereunto set my hand and seal This the 23^d October AD 1863

Witnessed in the presence of each other
and in the presence of the testator

Simon Marsh - (Seal)

J. White

W B Marsh

W A Bivens

State of North Carolina

Union County

Court of pleas & quarters Superior

January Term 1864

Then the foregoing instrument as containing the last will and testament of Simon Marsh dec^d was admitted to probate in due form of law
Vide Minut Docket page 332.

A. C. By, W. B.