

Thomas Marsh's last will & testament ¹

I Thomas I Marsh of the County of Union and State of North Carolina being blest with good health and of sound and disposing mind and memory but considering the certainty of death and the uncertainty of this life do make and declare this my last will and testament in manner and form following

First, I commit my soul to God who gave it and my body to my family and friends to be buried in such manner and place as they may direct

Second, I will that my executor (here in after named) pay all funeral expence and all my just debts out of the first money that may come into his hands as a part of my estate and collect all debts that may be owing to me and also sell to the highest bidder on such terms as may seem to him best the tract of land known as the widow Ewin tract containing about six Hundred acres and such other personal property (if any) that my wife Belpha Marsh may not wish to keep her life time

Item First, I give and bequeath to my beloved wife Belpha Marsh all the balance of my property both real and personal during her natural life or so long as she may choose to keep and occupy it or until our youngest living child becomes twenty one years of age and a majority of our

Marsh all the balance of my property both real and personal during her natural life or so long as she may choose to keep and occupy it or until our youngest living child be comes twenty one years of age and a majority of our living children should deem it expedient and for the best for all concerned for her to break up house keeping and live with some one of them. Then and in that case it is my will that my executor sell the land whereon we now live and all the other property of what kind and nature so ever (except such articles of household furniture that my wife may wish to keep during her life time) on such terms as a majority of my living children may direct.

Item second, I will that in case my daughter Martha A Marsh should marry and leave her mother that her mother give her of such articles of property as she can spare not to exceed one hundred and fifty dollars in value. Also should my son Thomas W Marsh marry and his mother has any property that she can spare it is my will that she give him such property not to exceed in value two hundred dollars such amount of property to be counted a part of their distributive share of my estate.

Item third I will that my executor give my two sons Thomas W and George Alexis Marsh as good an English education as the circumstances and the means in his

in his hands will admit of to be paid out of the general fund of my estate such money thus expended is not to be deducted out of their distributive share

Item fourth, Should my wife live till my property is all sold as divided in the first item. Then it is my will that my executor reserve in his hands the sum of one thousand and dollars the interest of which sum and as much of the principle as is necessary should be expended for her comfortable maintenance and support

Item fifth The money realized by the first sale and not needed to pay debts and other expenses of the maintenance of my family and the education of my sons as before divided shall be divided between my four daughters viz Nancy J Ashcraft Sally I Ashcraft Mary A Harrell and Martha A Marsh. The first named Nancy J Ashcraft ^{not} to have any part thereof until the others each receive enough to make them equal to the amount she has had of my estate in advance and then all share alike

Lastly In the final settlement of my estate it is my will that all my children have an equal share and share alike namely Albert I Marsh my deceased son Jeph E Marsh living children Nancy J Ashcraft Sally I Ashcraft Mary A Harrell Martha A Marsh Thos W Marsh & George A Marsh. Yet as a part of them have already

Share alike namely Albert & Marsh my deceased son
Jeph & Marsh. living children Nancy J Ashcraft Sally
I Ashcraft Mary A Harrell Martha A Marsh Thos W
Marsh & George A Marsh. Yet as a part of them have already
had an advancement of property or money the several amounts
advanced shall be counted as a part of my estate and
deducted from the share of each one the amount thus
advanced that is as follows. From Albert & Marsh: Share
the sum of \$630. six hundred and thirty dollars and from
~~Nancy J Ashcraft~~ The share of my ~~deceased son~~ Jeph &
Marsh the sum of \$600. six hundred dollars and from
Nancy J Ashcraft share the sum of three hundred & fifteen
dollars and from Sally I Ashcraft share the sum of one
hundred and ten dollars and from the share of Mary A
Harrell the sum of eighty dollars. If there should be
any part of my estate to descend to my deceased son Jeph
& Marsh's children it is my will that it be expended
in the education of his children or for their comfort
able maintenance I hereby constitute and appoint my
trusty friend & son in law Thomas E Ashcraft my lawful
executor to all intents hereby revoking & making void all other
wills by me made I witness whereof I have hereunto set my
hand & seal This 28th day of July A D 1867 J L Marsh

A paper writing purporting to be the last will and testament of Thos I Marsh was exhibited for probate on the application of Thos E Ashcraft the executor therein named and it being proved by the oath and examination of Albert S Marsh that the said will was found by him among the valuable paper and effects of the said Thomas I Marsh after his and without any subscribing witness and it was further proved by the oath and examinations of three competent witnesses viz Thos D Manchester Harrison Lee and Abel Helms that they are acquainted with the hand writing of the said Thos I Marsh each of them having often seen him write and each of them verily believe that the name of the said Thos I Marsh subscribed to the said will and the said will itself and every part thereof are in the hand writing of the said Thos I Marsh. And it is further proved by the evidence of the three last mentioned witnesses that the said hand writing is generally known to the acquaintances of the said Thos I Marsh. It is therefore considered that the said paper writing is the last will and testament of the said Thos I Marsh and the same is ordered to be recorded and filed.

It is further ordered that letters testamentary issue thereupon Thos E Ashcraft the executor therein named was duly qualified as executor to said will and letters testamentary issued

G. W. Flower, Judge of probate