

Josiah Collins Will

This is the last will and Testament of Josiah Collins of the County of Washington in the State of North Carolina. I being under the Control and Management of my dearly beloved wife, Mary Collins, My entire estate of every kind and description, with full and absolute power and authority to her, to use occupy, possess and manage the same, without being accountable to any person or persons whatever, And I also give her full and absolute power and authority to give, sell, exchange or dispose of the same, or any part thereof, and from time to time to give so much, and such parts thereof to any one or more of my Children, as she may deem necessary and proper. And should she not dispose of the same in her life time, I give her absolute power and authority, to bequeath and devise the same, by a last will and Testament, in such manner as to her may seem proper.

Should my wife die without having disposed of my estate by a last will and Testament or otherwise then and in that event, I give to my son Josiah Collins my plantation known as the Summumet place, lying on Lake Okauchunung or Lake Peeke, intending to include therein, all the lands that I own, lying between the said Lake and Okauchunung River, adjoining on the West the lands devised to Ann K. Collins by her grand father Josiah Collins, the lands of Noah Peck, Jesse Sawyer, Mary M. Tatum, the lands belonging to the heirs of Demsey Struble, and also binding on the east South Fork Creek; and adjoining also the lands belonging to Daniel Goodly, and the land that belonged to the late Ebenezer Pettigrew; not intending by the foregoing description to include the other lands that I own, lying on the said Lake; together with all the slaves, horses, mules, Cattle, sheep and hogs, machinery, tools farming implements and utensils, of every kind and description employed upon or used in connection with the said farms; And I also give to my said son, all my household and kitchen furniture of every kind and description, my Carriages and other vehicles, my saddles, harness and gear. All of which property, both realty and personally together with all my other estate in North Carolina and elsewhere, and with all the increase and profit of the same, I direct to be valued by three discreet persons having no interest in the same, to be appointed by the Judges of the Court of Pleas and Quarter session of said

County; and in making said valuation, I authorize said Commissioners to act upon evidence furnished by experts, appraisers or others, that may be satisfactory to them: And as to one half of the value of all the property which I have given to my said son Josiah Collins by this my last will and Testament, I direct him to pay the same to my other Children in ten equal annual payments with interest from the time that said valuation shall be made, so that the whole amount shall be paid off at the expiration of ten years from the time of the making the said valuation: And with the view of securing the payment of the same, I charge the entire estate which I have hereby given my said son, with the payment of the amount that he may have to pay my other Children: Provided nevertheless, and I hereby declare that the foregoing devise and bequest to my said son Josiah Collins, is made subject to the following conditions that is to say:

First: If the property which I have given to my said son shall by the valuation to be paid as aforesaid, be ascertained to be equal in amount to one-half only, or less than one-half of my entire estate, then on in that event I give to my said son, to him and his heirs, all the aforesaid property, free from all encumbrances whatever, and I also discharge and release him from the payment of any amount whatever to my other Children: And secondly: If, by the valuation to be had of my estate as aforesaid, the property which I have given to my said son, Josiah Collins, shall be ascertained to amount to less than a child's part of my entire estate, then in addition to the property which I have given him, I also give him so much of the residue of my estate as will make his share of my estate equal in value to the shares or estates of my other Children.

Secondly, As to all the residue of my estate of every kind and description, I give the same to all my Children except my son Josiah Collins subject to the provisions and limitations mentioned and specified, in the first clause or section of this my will.

Thirdly, Should my son Josiah Collins conclude not to take the property which I have given him, subject to the incumbrance with which it may be encumbered, (and it is not my design or purpose to impose upon him any duty or obligation to accept the same) then and in that event, I give the whole of my estate of every kind and description, equally to be divided among all my Children share and share alike, to them and their heirs forever. I hereby declare, that by the dispositions which I have made of my estate, it is not my wish or purpose to

I Levi Bateman of the County of Tyrrell & State of North Carolina being sick & weak in Body but of sound mind and memory, thank be to God for the same Calling to mind the mortality of body & knowing it is appointed for all men once to die do wish to make this my last will and testament in writing and dispose of such worldly property as it hath pleased almighty God to bless me with in the following manner & form viz:

First I leave my manor plantation to be sold on a credit of twelve months securing to David Bateman and James Wood Esqs of Brunswick County the money due them for which for which they hold the said plantation in security at present.

Item I give & bequeath to my son John Bateman one Negro man ~~Lebanah~~ to him & his heirs forever.

Item I give to Sally sides one Negro boy named Moses to her and her heirs also one woman Judas.

Item I give and bequeath to my son Herman Bateman one Negro boy named Mingo also one Negro woman Mary.

I give and bequeath to my daughter Ann Tarkenton one Negro boy named Post. I leave the residue of my estate to be sold and all my just debts to be satisfied & paid, the balance divided between my children.

I Nominate and appoint Jebulen Tarkenton John Bateman Daniel Bateman & Herman Bateman Executors by this my last will and testament, revoking all others ratifying this, in witness whereof I set my hand & seal this 24th November 1819.

Signed sealed & pronounced by the said Levi Bateman in the presence as list.

Nathan A. Phelps } Levi Bateman (Test)
Jos Amos }

Tyrrell County }
Samuel Vann Esq }

The foregoing will was ~~dearly~~ exhibited in open Court & proved by the oath of Nathan A. Phelps & Joseph Amos in our form of Law and ordered recorded.

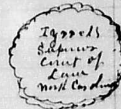
State of North Carolina }
Tyrrell County } Jos Wood Clerk

I J D Jones Clerk sworn in & for

County aforesaid do certify that the foregoing is a true copy of the last will and testament of Levi Bateman as shown by the records of my office.

Given under my hand and official seal at Columbia this 31st day July 1819.

J D Jones Clerk



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Content in him, my wife in the exercise of the discretion which I have confided to her of the power and authority which I have given to and conferred upon her in the first clause or section of this my will.

Trusting, I hereby nominate, constitute and appoint my wife Mary Collins the executrix of this my last will and testament, and and testamentary guardian to my children. And in the event of her death, I appoint my son Josiah Collins, the executor of this my will, and testamentary guardian of my other children. In testimony whereof I have hereunto set my hand to this my last will and testament this 11th day of January 1819.