

567 Ham Polley's Will

May 3rd 1853.

The last will and testament of Ham Polley a man of color.

I Ham Polley being now in my perfect senses and knowing the uncertainty of life and the certainty of death do make and publish this my last will and testament hereby revoking all other wills by me at any time made -

First - I direct that all my debts and funeral expenses be paid out of any money or effects that I may have at the time of my death and as soon after as possible by my executor.

Secondly - I direct that my executor make a deed to three acres of my land as follows to my sister Polly Carmichael one acre during her lifetime and then to her grandson Billy Bayless a little boy who has waited on me kindly and to deed two acres to Amy Carmichael my niece who has done me great acts of kindness both on the terms of the contract ~~subscribed~~ between R. S. Ferguson and James Mc Osborn and myself which contract is verbal and will be explained by them.

Thirdly - I will and bequeath to my son Samuel three acres and to my daughter Winny one acre of my land and to my daughter Harriet I leave one acre including the house where I now live and I direct that R. S. Ferguson and James Mc Osborn to lay it off in lots and to give to each one the portion left them and that each one must be content with the distribution as I am satisfied they will do their part of the business pretty between the legacies and as I have made a contract giving the charge of all mines and minerals on my land to R. S. Ferguson and James Mc Osborn I hereby reserve it to them in my distribution of land and desire them to still hold the control of the same and to retain it in their own hands if the mines prove valuable as per contract I am to have a small share of the profits. I desire and hereby direct that the aforesaid Ferguson and Osborn first pay themselves for their trouble and expenses of any kind every kind as regards my affairs and then divide the balance among my four children as they may think it will be best used and needed taking care that none of them be cut out entirely and as

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and as I have left part of my land to my sister Polly and her daughter Ann I direct that they be interested in any mineral that may be found on this part and as for the remainder of property belonging to me I direct that my executor value it and hand it over to the five children I have living in the as soon as possible after my death making each one as nearly equal as possible and I wish nothing put to sale unless the children will not agree among themselves and then if that be the case the executor may put it to sale or as many of their shares as incline to be troublesome and give them the proceeds. I intend that my Granddaughter Hannah Eliza this is land to Henry Ferguson be counted as one of my four children in her Mother's stead -

Lastly - I hereby nominate and appoint R. S. Ferguson and James Mc Osborn my executor to carry this will into effect and it is my desire that the said R. S. Ferguson and James Mc Osborn be allowed to execute this will without giving any securities as I am fully satisfied that they will do justice and require no security from them.

Legends Read and acknowledge
in our presence this 3rd day of

May 1853.

John Beal

Elijah Fisher

The foregoing will was proven in open court at Newbern 1853 - by John Beal and Elijah Fisher the subscribing witnesses thereto -

Henry Hoops - Clerk