

COLLINS, JOSIAH

State of North Carolina

Tyrrell County

Book 4, page 261

Proved 16 April 1819

Will of Josiah Collins

The last Will and Testament of **Josiah Collins** the Elder of the town of Edenton, state of North Carolina - I **Josiah Collins** considering the uncertainty of this mortal life and being of sound mind and memory (blessed be the Almighty God for the same) do make and publish my last Will and Testament in manner and form following to wit: -

First: It is my will and desire that all my just debts shall be paid by my executors hereinafter named.

Secondly: I will and desire that the sum of Three Hundred Dollars annually be paid by my executors to such person or persons as they shall appoint Trustee or Trustees for the purposes of applying the same to the sole and separate use of my daughter **Elizabeth Cook** at present residing in Uminster Somersetshire, England, free from the control of her husband. The said sum to be thus paid annually during the natural life of the said **Elizabeth Cook**.

Thirdly: It is my will and desire that the sum of Two Hundred Dollars be paid by my executors to such person or persons as they shall appoint Trustee or Trustees for the purpose of applying the same to the support of education to each of the five children of my said daughter **Elizabeth Cook** that is to say the sum of Two Hundred Dollars for each of the said children annually until such child die or arrive if a daughter at the age of eighteen years or if a son at the age of Twenty one years.

4thly: - I give and bequeath to the five children of my daughter **Elizabeth Cook** the sum of twenty Thousand Dollars to be paid by my executors to the said children share and share alike when they shall severally attain: the daughters the age of Eighteen years and the sons the age of Twenty One years. And if either of the said children shall die before attaining such age, the share or shares of those so dying to be equally divided among the surviving ones who shall attain such age.

5thly: - I give and bequeath to my nephew **Josiah Collins** at present in Somersetshire in England, the sum of One Thousand Dollars.

6thly: - I give and devise and bequeath to my grand-daughter **Elizabeth Littlejohn** my tan yard adjoining the town of Edenton beginning at the Northwest Corner of the Bark House and running thence Eastwardly till it reaches the North East corner of the Bark House thence southwardly until it intersects a line drawn Westwardly from the Saw Pit, so as to include all the houses appertaining to the tannery together with all the improvements utencils and stock of leather whether tanned or untanned, hides bark and everything appertaining to the said Tannery excepting only thereout the spring which is to be for the common use of the Rope-Walk and the Tannery.

7thly: - I give and devise unto my grand children, **Annie C. Blount** and **Elizabeth Littlejohn**, daughters of the late **Jacob Blount**, their heirs and assigns forever all the tract or parcel of land in the county of Chowan about five miles from Edenton known by the name of Holly Grove together with all the buildings and other appurtenances thereunto belonging.

8thly: - I give and bequeath to my grand daughter **Annie C. Blount** the sum on Seven Thousand Dollars.

9thly: - I give and bequeath unto the two children of my grand daughter **Elizabeth Littlejohn**, to-wit: **Nan Blount** and **William** to each the sum of Three Thousand Dollars.

10thly: - I give and bequeath to the seven children of my son **Josiah Collins** and **Ann Rebecca Davis** the sum of Five Thousand Dollars each to be paid them by my executors as they shall respectively arrive at age but in case of the death of either before attaining such age, to-wit: - if a daughter the age of 18, if a son the age of twenty one, it is my will and desire that the sum here left to such child be divided among the survivors who shall attain such age.

11thly: - I lend to my son **Josiah Collins** during his natural life all that tract, piece or parcel of land lying and being in the counties of Washington and Tyrrell that is designated in the map or plat hereunto appended as being loaned to him (which map or plat I desire to be taken as part of this my Will) being a part of the lands late the property of the Lake Company together with all the ways, woods, canals, mills buildings and improvements also all the negroes upwards of one Hundred in number, horses, mules, cattle, sheep, hogs, farming utensils and everything of every kind which are thereon unto me belonging the whole to my son **Josiah** during his natural life only and after his death I give and bequeath to the seven children of him the said **Josiah** and **Ann Rebecca Davis** namely **Ann Davis, Mary Matilda, Josiah, Henrietta, Elizabeth, Hugh Williamson, John Davis** and **Louisa** their heirs and assigns forever all the aforesaid lands to be divided among them according to the division made in the annexed map or plat, to each the part or lot that is designated with the name of such child in the said map or plat together with all the appurtenances belonging to such parts respectively and as all the personal estate lent as above to the said **Josiah**. I give it after his death to be equally divided among the above named seven children share and share a like as nearly as possible.

12thly: - I give and bequeath to my son **Josiah** his heirs and assigns my two thirds of an undivided tract of land adjoining the town of Edenton called the Rope Walk land, together with all the buildings and improvements thereon and appurtenances thereunto belonging; also about nine acres of land adjoining conveyed to me by the late **Samuel Johnson** by deed bearing the date of the 9th of Jan. 1790.

13thly: - I give and bequeath to my daughter-in-law **Ann Rebecca Collins** all my household and kitchen furniture.

14thly: - I give and bequeath to my son **Josiah Collins** the five lots lying in the town of Edenton which were mortgaged to me by **Henry Flury** were afterwards sold under the mortgage and purchased by me together with all the buildings and other appurtenances belong thereto; and also the several Water Lots and parts of lots lying opposite thereto with their appurtenances to the said **Josiah** his heirs and assigns forever.

15thly: - It is my will and desire that all the residue of my lands and town lots wherever situated be sold by my executors at their discretion, either at public or private sale, provided that at the plantations where crops have been planted or are planting the same shall be cultivated this year under the discretion of my executors and all the personal property at present at such plantations and necessary for that purpose shall be used by them until the crops are gathered and afterwards be disposed of as I have directed in a Deed of Gift executed this day. And it is further my will and desire that the same supplies

which have heretofore been had from any of the said plantations or been sent to them, be continued during this year.

16thly: - I give and bequeath to the Trustees of the Protestant Episcopal Church in the town of Edenton, One Thousand Dollars for the use of the said church.

17thly: - I give and bequeath to my warden of the Poor of Chowan County for the use of the poor of the said County, One Thousand Dollars.

18thly: - I give and bequeath to **Hannah Pritchard** of the town of Edenton the sum of Five Hundred Dollars.

19thly: - In case the proceeds of the sales of the property directed as above to be sold be not sufficient to pay the legacies herein bequeathed I direct that the same be paid by my **Josiah Collins**, and if the proceeds of such sales be more than sufficient for that purpose, I give the surplus to be divided as follows to-wit; One third to the children of my daughter **Elizabeth Cook**, one third to my two grand-daughters **Ann C. Blount** and **Elizabeth Littlejohn** and one third to the children of my son **Josiah Collins**.

20thly: - Lastly, I nominate and appoint my son **Josiah Collins** and **James Iredell** of the town of Edenton to be executors of this my last Will and Testament and hereby revoke all wills be me heretofore made.

(Signed) **Josiah Collins** (Seal)

Signed, sealed and published as his last Will and Testament by **Josiah Collins**, the Elder, this 16th of April 1819, before us, called upon by him to subscribe thereto as witnesses. (The word "Eastwardly being first interlined over an erasure in the second page and the words "to-wit", if a daughter the age of 18 if as son" being interlined in the third page)

James Moffatt

M.E. Sawyer

North Carolina)

Chowan County) S.S.

Know all men by these present that I, **Josiah Collins**, The Elder, of the town of Edenton, State of North Carolina in consideration of the natural affection I bear to my son **Josiah Collins**, and for other good causes, me thereunto moving have given and granted, and by these presents do give and grant unto my said son **Josiah Collins** the whole of my personal estate of what nature or kind soever it may be except only such parts and subject to such limitations as are mentioned or particularly expressed in a paperwriting which I have this day executed as my last will and Testament, to have and to hold to the said **Josiah Collins**, his executors administrators and assigns forever.

In witness whereof I have hereunto set my hand and seal this 16th day of April in the year of our Lord One Thousand Eight Hundred and Nineteen.

(signed) **Josiah Collins** (Seal)

Sealed and delivered in the presence of

James Moffatt

M. E. Sawyer

North Carolina

Chowan County

In the Superior Cort. I F. W. Hobbs, Clerk Superior Court, for above named county and state hereby certify the foregoing four sheets to be a full, true and perfect copy of the last

Will and Testament of **Josiah Collins**, the Elder, and probate of same as appears of record in book of Wills "C" pages 73 to 76.

In Testamony whereof I have hereunto put my hand and affixed the seal of this office in Edenton N.C. this the 16th day of Oct 1911.

(signed) F. W. Hobbs (SEAL)

Clerk Superior Court

North Carolina

Tyrrell County

The foregoing or annexed instrument, together with the certificate of F. W. Hobbs, Clerk of the Superior Court of the County of Chowan, State of North Carolina, thereon appearing with his official seal attached having been this day exhibited before me for probate, the said certificate is adjudged to be in due form and correct. And the said instrument is adjudged to be duly acknowledged, pronounced and certified. Let the said instrument with the probate and certificates be recorded and filed.

This the 17th day of Oct. 1911.

Signed, W. M. Brickhouse C.S.C.

Updated January 11, 2001

Jean Owens Schroeder