

Will Probate, NC, Northampton, Benjamin Bryan 1789 1790

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BENJAMIN BRYANT's will

In the name of God Amen.

BENJAMIN BRYANT being of perfect mind sense & memory, thanks being to God, calling to mind that I must once die do hereby make and ordain this to be my last will and testament, and as touching my worldly estate I dispose of it in the manner and form as follows.

ITEM I give and bequeath unto my son **BENJAMIN BRYANT** all the lands that I hold and die possessed with in the Occoneechee Neck six hundred acres be the same more or less to him and his heirs forever. But if my son **BENJAMIN BRYANT** should die without heir then my will is that the said lands become the only property of my daughter **POLLY BRYAN** to her and her heirs forever.

I also give and bequeath unto my son **BENJAMIN BRYAN** two hundred acres of land being the Manor Plantation where on I know live be the same more or less bounded by the road leading from Jones's Mill to the cross roads then from the cross roads to Pullom's Ferry and bounded by Atherton's line and my own head line.

I also give and bequeath unto my son **BENJAMIN BRYANT** one piece of land called Guy's containing 100 acres more or less to him and his heirs forever it is my will and desire that my son **BENJAMIN BRYANT** shall have liberty to cut timber off Gowrey swamp or any of my lands to support his Plantation.

ITEM I give and bequeath unto my son **THOMAS BRYANT** all the remainder part of my lands adjacent to this place that is not given away to him and his male heirs forever it is my will and desire that if my son **THOMAS BRYANT** should die without any male heirs then my will is that the said lands become the only property of my son **BENJAMIN BRYANT** and his heirs forever, reserving half the land called Carey's place to my son **SAMUEL BRYANT** during his natural life **SAMUEL BRYANT** yielding and paying my son **THOMAS BRYANT** one shilling proc as rent to **THOMAS BRYANT** yearly. My will is that if my son **SAMUEL BRYANT** should offer to sell or rent his right to the said lands that then the lands shall become the immediate property of my son **THOMAS BRYANT** and his male heirs forever.

I also give and bequeath unto my son **THOMAS BRYANT** one hundred acres of land called Parker's reserving the use of said land to my son **BENJAMIN BRYANT** during the life of my loving wife and no longer. I give and bequeath unto my son **THOMAS BRYANT** ten head of cattle young and old to be taken out after a sufficiency is first taken out for my family's use.

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I also give and bequeath unto my son **THOMAS BRYANT** one negro wench named PINK and all her increase born before this date and afterwards my will and desire is that the Negro wench named PINK shall remain in the hands of my loving wife during her natural life and after her deceased to go and remain the only property of my son **THOMAS BRYANT** and his heirs forever it is my will and desire that the increase of the said negro wench PINK shall not be given up to my son **THOMAS BRYAN** until New Year's Day.

ITEM I give and bequeath unto my son **SAMUEL BRYAN** all the household goods I lent him and also five head of cattle young and old and all that gang of hogs called ISAAC's to him and his heirs forever.

ITEM I give and bequeath unto my son **BENJAMIN BRYAN** one negro fellow named ISAAC on to him and his heirs forever and also 1 large still to him and his heirs forever.

ITEM I give and bequeath unto my daughter **POLLY BRYAN** one negro woman named PATIENCE to her and her heirs forever.

I also give to be divided by and between my two youngest children **BENJAMIN BRYAN** and **POLLY BRYAN** all the remainder of my Negroes that is not given away young and old to be equally divided between them when they come of age or marry. My will is that their Negroes should be worked together down here and in the Occoneechee Neck until they come of age or Mary and the profits arising therefrom to be equally divided between them reserving a sufficient part of the income of my estate to support my loving wife during her natural life time to time.

ITEM I give and bequeath unto my loving wife one riding chair and harness to her and her heirs forever. My will and desire is that my loving wife live and remain in and at my manner Plantation during her natural life and there to be well supported upon my estate during her natural life or marriage.

ITEM I give and bequeath unto my son **BENJAMIN BRYAN** one Walnut buffet which I lent to my son **THOMAS BRYAN** to him and his heirs forever.

ITEM I give and bequeath unto my loving wife twelve pounds to be paid to her in gold and silver to her and her heirs forever.

I also give and bequeath to my daughter **POLLY BRYAN** her choice of all my horse kind after my decease & also one bed and furniture.

I also give to be divided between my two children **BENJAMIN BRYAN** and **POLLY BRYAN** all the remainder of my household goods to be equally divided between them except one large brass kettle and one mahogany desk which I give to my son **BENJAMIN BRYAN** and his heirs forever. My will is that all my household goods stand and remain in my house until the death of my loving wife and not to be removed nor divided before that time. My will is that the remainder part of the cattle at the home house after the decease of my loving wife and legacies paid out to be equally divided between all my children then living.

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I also give to be divided between **BENJAMIN BRYAN** and **POLLY BRYAN** all the suitable stock of whatsoever kind that is fit for market at my decease and all the crops of tobacco if any. My will is that my crops of corn be and remain on my Plantation for the use of my two children **BENJAMIN BRYAN** and **POLLY BRYAN** and family and stock. My will is further I give the remaining part of my hogs to my son **BENJAMIN BRYAN** and sheep, reserving and taking out a sufficient quantity for my loving wife yearly to support a upon.

ITEM I give and bequeath under my two youngest children **BENJAMIN BRYAN** and **POLLY BRYAN** all my ready money and all that's due by bond and otherwise to be equally divided between them and not to be put out but to remain in their hands until they come of age or marry.

I also give and bequeath to my loving wife **SEALOW BRYAN** all the household furniture she brought on my Plantation and all the Negroes that came by her to her and her heirs forever.

I also give to be divided between my three children **SAMUEL BRYAN**, **BENJAMIN BRYAN** and **POLLY BRYAN** all the horses that is not given away that belong to my Manor Plantation at the home house to them and their heirs forever. My will is that they are not to be divided until the death of my loving wife it is my will that if my son **BENJAMIN BRYAN** should misbehave to my loving wife or his sister **POLLY BRYAN** during his living with them at the Manor Plantation it is ordered hereby that my executors remove him to his own place in the Occoneechee Neck. It is my will and desire that there shall be as much money drawn out of my estate as will purchase two hundred acres of land adjoining **SHERRAD's** fishing place, which when purchased, I give and bequeath to my son **BENJAMIN BRYAN** and his heirs forever.

Nominating and appointing my trusty friends **BRYAN WINBORNE** and **JOHN M. BRYAN** to be and remain my only executor of this my last will and testament revoking and making utterly void all former wills by me heretofore.

In witness whereof I have here on to set my hand and fixed my seal this 1st day of August 1789

BENJAMIN BRYAN {seal}

Signed, sealed and acknowledged by the testator to be his last will and testament in presence of.

EDWARD TURNER
WILLIAM BELL
JAMES BELL

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Northampton County

First December court 1789

This Will of **BENJAMIN BRYAN** deceased was exhibited in court and proved by the oath of **JAMES BELL** and **EDWARD TURNER** and at the same time **BRYAN WINBORNE** and **JOHN M. BRYAN** qualified as executor to the same which was ordered to be certified and recorded.

Test **E. HAYNES**, CC

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I do hereby obliged myself to stand security for the cost of this suit suit
arguably agreeably to act of assembly in such case made and provided under the
penalty of £80.

Witness by hand and seal this 6th day of June 1790.

Witness

B. L. BAKER

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State of North Carolina

To the sheriff of Northampton County: Greeting

You are hereby commanded to take the body of **SAMUEL BRYAN**, late of the said County, planter, if to be found in your bailiwick and him safely keep, so that you have him before the justices of the county court of pleas and quarter sessions to be held for the county of Northampton at the courthouse in Northampton on the first Monday and September next then in there to answer **JOHN BRYAN** and **BRYAN WINBURNE** executor of **BENJAMIN BRYAN**, deceased, of a plea that he render to them ninety eight pounds proc of the value and which damage one hundred pounds.

Herein fail not, and have you then in there this writ.

Witness **EATON HAYNES** clerk of court, at Northampton the 7th day of June in the 15th year of Independence of the said State Anno Domini 1790.

E. HAYNES, clerk of court

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I obliged myself to stand as security for the cost of this suit agreeably to act of assembly under the penalty of £50.

Witness my hand and seal the 7th day of June 1790

B. L. BAKER

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State of North Carolina

To the sheriff of Northampton County: Greeting

Whereas in the suit brought by **JOHN BRYAN** and **BRYAN WINBORNE** executors of the last will and testament of **BENJAMIN BRYAN** deceased for the sum of £100 pound the sheriff returned on the Writ "not to be found" and on motion of the plaintiff an attachment is granted against the defendant's property for the sum aforesaid and costs of suit returnable to our next County Court.

We therefore command you to attach as much of the defendant's property as will be sufficient to answer the damages and costs for said and the same safely keep repliviable on security given so as to compel the defendant aforesaid to appear at our next court to be held for Northampton County at the courthouse and said County on the first Monday in December next then and there to answer the plea of said executors in the suit aforesaid and have you been in there this writ.

Witness **EATON HAYNES** Clerk of our said Court the 5th day of September in the 15th year of our Independence Anno Domini 1790.

E. HAYNES Clerk of Court