

*Abstracts
of Wayne Co, NC
Wills 1780-1868*

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INTRODUCTION

Wayne County North Carolina began business on January 7th, 1780. In August, 1781, British forces under Lord Cornwallis encamped near the county-seat and burned the records that had accumulated during the few months of operations. This damage was partly repaired by citizens bringing in wills and deeds for re-recording after the British had gone. Only minor losses of records have occurred over the past 200 years.

The production of this volume of abstracts of the Wills of Wayne County filed from January 1780 through the year 1868 is a major achievement toward creating easy access to historical information preserved in the manuscript records. Social science researchers, local historians and thousands of individuals across America whose ancestral families lived in the Wayne County area will be grateful to Charlotte Carrère and Réjeanne LeFrançois for making these abstracts available.

Goldsboro, the present countyseat of Wayne County, is on the Neuse River about halfway between the point near Durham, North Carolina where the Neuse begins and the City of New Bern where the fresh waters of the Neuse begin to mingle with salt waters of the sound. The Neuse and its tributaries flowing from Carolina Counties nearer to the Virginia settlements were used as transportation routes in Colonial Times. In those times, almost all colonists entering North Carolina followed the southward flowing rivers from Virginia. North Carolina had no ports easily accessible to ocean-going vessels until the Cape Fear River area began to develop. Wilmington became a significant port about 1730; but it was so far south as to be an inconvenient port of entry for most of the Colony of North Carolina during the Colonial period.

On the other hand, the long strings of shifting sandy shoals, sand bars and islands that made the Carolina coast hazardous and inhospitable to ships coming directly from Europe, created inland bays, sounds, and protected channels in which shallow-draft vessels, such as river boats and barges, could find safe inland waterways all the way from the upper Chesapeake Bay areas of Pennsylvania, Maryland, and Virginia to the James River; and from that river, short overland hauls would take goods and persons to headwaters of short rivers that flowed southerly into North Carolina's Albemarle Sound. The Sound gave transportation access to most of the Carolina coastal plain. Among such short rivers are the Blackwater, Nottaway and Meherrin which flow from Virginia and join to create the Chowan in North Carolina. Other short routes were served by the Nansemond, the Perquimans, the Pasquotank, and the Currituck Rivers.

By 1704 the Colonists settled in North Carolina numbered about seven thousand. Quit rent rolls for twenty of the then twenty-five counties of Virginia for the year 1704 are preserved in the British Public Records Office in London. Transcripts have been published and are accessible in many libraries. The five Virginia Counties having no 1704 Quit Rent Rolls lay in the Northern Neck of Virginia, then sparsely settled. A great many names of early North Carolina settlers will be found among the Virginia land owners named on the 1704 Quit Rent Rolls.

Introduction

The headrights of immigrants into Virginia from 1624 (and some earlier) to 1732 have been compiled by Nell Nugent from Virginia land patents and published by the Virginia State Library under the title CAVALIERS AND PIONEERS. Nugent's three volumes contain by far the largest and most comprehensive index of names of early Virginia colonists and first appearances of families whose descendents populated colonial North Carolina, including the Wayne County area. A third major reference for those seeking immigrant ancestors among early Colonists coming to Virginia is a volume of "lists of Persons of Quality.." (and others) compiled by John Cambden Hotten and commonly known as "Hotten's Persons". It is also accessible in most libraries of the 58 institutions of the North Carolina Community College System.

The first European and African colonists settled in Neuse River Country in 1700. Neuse settlements were organized in 1706 to create Archdale Precinct of Bath County. Archdale Precinct comprised all the lands drained by the Neuse River and all the lands to the southward and westerly as far as Cape Fear River. It included lands north of the Neuse as far as the southerly shore of the Pamlico (Pampticough) River. When the town of New Bern was founded at the confluence of the Neuse and Trent Rivers in 1710, the Archdale Precinct Court of Quarter Sessions was seated in that town. Prior to 1710, the Archdale Precinct Court sat at Bath Town, as did also the Precinct Courts of all other Precincts of Bath County.

In the summer of 1710 the name of Archdale Precinct was changed to Craven Precinct; and in 1739 all Precincts in North Carolina were made counties. All Precinct Courts became County Courts. In September 1711, the Tuscarora Indian War began with a surprise dawn attack on New Bern and the Neuse River Plantations. The Office of the Clerk of the Craven Court was burned with the records of the Precinct accumulated since 1706. Some Craven records exist (including tax lists) for each year from 1712 to 1720. Fragmentary records exist for the years from 1720 to 1730 at which time good basic records exist for almost every year down to the present date.

The first colonists of European and African ancestry settled in Wayne County area in or about 1735 when the area lay in Craven Precinct; and their names and records exist in Craven records in North Carolina Archives. Microfilm copies are available in Wayne County Community College Library and in libraries of Community Colleges located in other counties. Craven Precinct tax lists and some Indian War claims lists for the period 1712 - 1719 are printed in Volume I, No. 2 of the North Carolina Genealogical Society Journal. Minutes of extant volumes of Craven Court Minutes from the Colonial Period have been transcribed and published by Weynette Parks Harn of Durham, North Carolina. The Wayne area lay in Craven until 1746; and names of many first families of Wayne appear in the Craven records.

In 1746 Craven County was divided by creating Johnston County from that part of Craven lying upstream from the mouth of the Southwest-of-Neuse Creek (Southwest Creek now) on Neuse River. The landmark is today about two miles down the Neuse from the City of Kinston. From 1746 to 1759, the records of people of Wayne County area were included in the records of Johnston County.

Introduction

Records of Johnston for the period 1746 to 1759 were burned in courthouse fires at Kinston in 1878 and 1880 except the General Indexes of Grantors and Grantees of Deeds. These Indexes run continuously from 1746 to April 1880. The names are arranged in rough alphabetical order; and under each letter of the alphabet, the names are divided into groups. Each group is headed by the alphabet letter and the number of the deed book from which these names were indexed. The page number upon which the recorded instrument appeared in the burned deed book is recorded after each name.

During the entire period from about 1663 to 1760, the original manuscripts of wills and the bonds of executors, administrators, and guardians, and the basic estate records were required by law to be filed with the Secretary of State. Clerks of the County (earlier Precinct) Courts generally complied. These records have been preserved for the most part. These wills and some of these estate records were abstracted by Secretary of State Bryan Grimes and published originally by the State of North Carolina. Reprints are now available from private publishers. Many wills and estate records filed in the burned records of Craven and Johnston County prior to 1760 are found in the records of the Secretary of State.

From 1760 to the end of the Colonial Period (August 22, 1775 for North Carolina) the law required Clerks of the County Courts to send to the Secretary of State each year a tabular report of each will probated and each administration granted including names of the deceased, the executors or administrators and the securities on their bonds. Some estate records were required to be sent.

The land grant records are preserved for every county in every period. A very few seem to be lost. These records are in custody of the Secretary of State and always have been located in that office.

Dobbs County was created in the eastern part of Johnston. Dobbs inherited the Johnston County Courthouse and its records. Thus, the Johnston records from 1746 to March 1759 merged at that time into the Dobbs County records. The Dobbs County records merged into Lenoir County records in February 1792; and all were destroyed in the courthouse fires at Kinston in 1878 and 1880. Wayne County was created from western Dobbs County and began operating in January 1780.

The names of persons who voted in the Dobbs County election held in March 1779 include persons who fell into Wayne County in December 1779. By comparing a Wayne County Tax List made in 1786 or a Dobbs County Tax Assessment List for 1780, it is possible to identify many persons resident in the Wayne area who voted in Dobbs County in 1779. The appearance of a name on the voter list proves the following facts about the individual: 1) he owned land, i.e. was a freeholder; 2) he was at least 21 years old; 3) he was a supporter of the Revolution; and 4) he was a resident of the County.

The 1786 tax list for Wayne is printed in this volume of Abstracts of Wayne County Wills.

The 1779 voter list of Dobbs is also printed with these abstracts.

NEWBY Exr. and filed.

On Motion of Margaret CHARLES made praying an Order for Letters of Administration on the Estate of her Deceased Husband John CHARLES late of the said County which is Granted She giving Security in the sum of one thousand pounds AND on a further Motion of the said Margaret CHARLES praying an Order for Deviders to Divide the Estate of the afsd. John CHARLES pursuant to Law which is Granted and Ordered that Richard CHEASTEN, John HENBY, Joseph SUTTON & Peter JONES Senr. Divide the said Estate according to Law they or any three of them being first duly sworn before a Magistrate and to make return to the next Court.

On Motion of Moses JACKSON praying that Thomas TWIDDY may be appointed Guardian to him and to take his Estate Into his hands and possession &ca. Granted and ordered that Thomas TWIDDY be Guardian to the said Moses JACKSON and to take his Estate into his hands and possession where soever in this County to be found first giving security in the sum of Two hundred pounds for the same.

On Motion of Aron JACKSON praying that Samuel JACKSON Senr. may be appointed Guardian to him and to take his Estate into his possession &ca. Granted and ordered that Samuel JACKSON be Guardian to the said Aron JACKSON and to take his Estate into his hands & possession wheresoever in this County to be found first giving security in the sum of Two hundred pounds.

An Account of the Estate of Thomas HARVE? Late of this County Deceased Exhibited by Miles GALE Esr. and proved by him in due form of Law & filed in this office.

An assignment of a Deed of Sale from Nathl. CARUTHERS Esqr. to Jacob CARUTHERS is duly acknowledged and on Motion is ordered to be Registered.

[134]-47

An assignment of a Pattent from Nathl. CARUTHERS Esq. to James CARUTHERS is duly acknowledged and on motion is ordered to be Registd.

An Inventory of the Estate of Zachariah NIXSON Exhibited & filed being first duly proved before a Majestrate of this Court.

Ordered that the Grand Jury be Called which accordingly is and there appeared as follows

| | | | |
|---------------------|-----------------|----------------|-------------------|
| Vizt: Joshua LONG | Joseph PERRISHO | Joseph REDDICK | Joshua BARTICLEFT |
| Tulle WILLIAMS | Thomas LONG | John REDDICK | Joshua PRATT |
| John BARCLEFT Junr. | John BARCLIFT | John PARRISH | Zacha. CHANCY |
| Frans. JAMES | John PRATT | Jeremia PRATT | Zacha. ELTON & |

Samuel BARCLIFT who being duly sworn and their Charge given withdrew and soon after returned the following Bills Vizt Dom. Rex vs. Caleb CALLOWAY Billa Vera, Dom. Rex. vs. William BAKER & Elizabeth BRAIZER Billa Vera and is thereupon Discharged.

Ordered that Joseph SUTTON be Guardian to Samuel SUTTON Orphan of George SUTTON and to take his Estate into his possession wheresoever in this County to be found first giving security in the sum of one thousand pounds.

Ordered that Joseph SUTTON be Guardian to William ROBINS Orphan of Richard ROBINS late of the said County deceased and to take his Estate into his possession wheresoever in this County to be found first giving Security in the Sum of One thousand pound.

On Motion of Joseph SUTTON made praying Orders for Letters of Administration on the Estate of Richard ROBINS late of the said County Deceased Granted he first Giving Security in the sum of One thousand pounds.

An Inventory of the Estate of Elizabeth CLAYTON Exhibited by John STEVENSON Exr. and proved & filed in this office.

An Inventory of the Estate of William STEVENSON Exhibited by John STEVENSON Exr. & by him proved & filed in this office.

An Inventory of the Estate of John WYAT Exhibited by Wm. WYAT Exr. being first duly proved before a Majestrate of the Court & filed in this office.

The aforesaid Orders & Judgements is Read in open Court and signed by the following Gentn. Justices & the court adjourned till Court in Course. Macrora SCARBROUGH, Nathl. CARRUTHERS, Joseph SUTTON, John STEVENSON, James MORGAN. Entred by Order p: James CRAVEN Clr. Cur.

[135]-48

North Carolina, Perquimans County: At a Court begun Opened & held att the Court house att PHELPS Point on the Third Monday in July Anno Dom 1740 it being the 21st Day Present the Worshipfull Macrora SCARBROUGH, Nathaniel CHARUTHERS, John STEPNEY, James SITTERSON, Esqrs. Justices.

Be it Remembred that at April Court one Thousand seven hundred & Forty Came Jonathon LEWIS by Joseph ANDERSON his Attry. and brought into Court a Certain Bill agains Zach. ELTON which said Bill Follows in These words (towit:) Zachariah ELTON of the said County planter was attached to answer Jonathan LEWIS of a plea of Trespass on the Case whereupon the said Jonathan by Joseph ANDERSON his attorney complains for that whereas the said Deft. on the twentieth Day of November in the year of of Lord one thousand seven hundred and thirty Seven

presentmt. against William BARKER which Bill of presentment follows in these words (vizt:) We the Jurors for our Sovereign Lord the King upon our Oath present and say that William BARKER of the County aforesaid planter on the Ninth day of March in the year of our Lord one thousand Seven hundred and thirty seven and still Continues at a Dwelling house near the River Bridge in the County aforesaid for liveing in an adultrious Manner with Elizabeth BRAIZER of the County afsd. Widdow and haveing Two Children By her and Other Enormities then and there did against the Peace of our Lord the King that now is his Crown and Dignity &ca. Joshua LONG foreman. AND the said William BARKER being sollemnly caled comes not, and thereupon at the motion of our Attorney it is ordered that a Capias issue to take the Body of the said William BARKER so as to Compell him to be and appear at the Next Court to be held for said County on the Third Mondy in January next then and there to answer to the said presentmt. AND now here at this day (towitt) the Third Monday in January untill which day the Deft had time to answer to the presentment afsd. Came our Attorney and the said William BARKER being sollemnly Called comes in his own proper person and pleaded Not Guilty and for Tryall puts himself on the Country and our Attorney in like Manner and at their Motion and by Consent the Tryal of the said issue is put in Respitt untill the next Court to be held for the said County on the Third Monday in April Next and now here at this day (towitt) the Third Monday in April untill which day the Tryal of the afd. issue was put in Respitt came our attorney

[132]-45

our Attorney and the Deft. is sollemnly caled Comes in his own proper person and by Consent of our Attorney withdrew his plea and the matter being fully argued and fully underston it is ordered thg the afsd. presentment be Quashed and that the said William BARKER be thereof Discharged paying the Costs of this prosecution.

Be it Remembred that at January Court one thousand seven hundred and Thirty Nine the Grand Inquest for the said County then and there found a Certain Bill of Indictment against Zachariah CHANCEY which said Bill of Indictment follows in these words (vizt:) The Jurors for our Sovereign Lord the King upon their oath present and That Zachariah CHANCEY of the County afsd planter on the fifteen day of January In the Year of our Lord one thousand Seven hundred and thirty nine at the Court house on PHELPS Point in the County afd. with force and Armes &ca in and upon one John BAYNER in the Peace of God and of our said Lord the King, an Assault did make and him the said John BAYNER did beat wound and bruise and other Enormities to him then and there did and perpetrated against the peace of our said Lord the King that now is his Crown and Dignity &ca. Jos. ANDERSON po Dom_____ AND the said Zachariah CHANCY being sollemnly Called comes in his own proper person and submitts the Matter to the Mercy of the Court and thereupon the Court takes time to advise till the Next Court to be held for the said County on the Third Monday in April Next, And now here at this day (towitt) the Third Monday in April untill which day the Court took time to advise Came our Attorney and the Deft in his own proper person and the Court haveing fully Considered the matter orders that the said Zachariah CHANCEY be find the sum of one Shilling and to pay the fees of the prosecution

The Petition of Richard CHEASTEN in these words Vizt: Your petitioner haveing Considered the Necesssity of a good road from the head of MORGANS Swamp to the ferry att Mary NEWBYS point which is a place as publick__ us'd as the main road & is now almost Impassable & yr. Petitioner humbly Prayeth an Order of Court to be Granted to draw? of a part of the hands belonging to the main road & appoint an Overseer of them for to Maintain & support the ferry Road & likewise to keep the road good from James MORGANS to Francis TOMES, S? Bridge & for Yr. Worships serious Consideration herein Yr. Petitioner as in Duty bound shall for Ever pray &c. and the following are a list of the of the Tythables that are willing to be taken of the main Road to Labour on the Ferry road Viz: Samll. MOOR Two Tithables,

[133]-46

Zachariah NIXON four, Relf FLECHER two, Richard CHEASTON one, Francis TOMS Three, James MORGAN one, and the aforesaid Petition being fully Considered is Granted that following Persons be & is appointed a Jury to lay out the said Road Viz:

| | | | |
|---------------|------------------|----------------------|------------------------------------|
| Ralph FLECHER | Zach. NIXON | Francis TOMS | Samll. MOOR |
| Abrah. ELLIOT | James MORGAN | Thomas WINSLOW Junr. | Richard SAUNDERS |
| Thos. ELLIOT | Richard CHEASTON | John ARTHUR | & when the sd. road is Laid out it |

is also Ordered that Richard CHEASTON be Overseer thereof & make it according to Law.

Deed of Sale of Land from Thomas NICHOLSON to William BUNDY is duly acknowledged and on Motion is Ordered to be Registered.

Deed of Sale of Land from James BOSWELL to Jacob OVERMAN is duly acknowledged and on Motion is Ordered to be Registered.

Deed of Sale of Land from Fforster TOMS to Saml. BARCLIFT is duly acknowledged and on Motion is ordered to be Registered.

An Inventory of the Estate of Mary NEWBY Exhibited & proved by the afermation of Samuel

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Joseph SUTTON Esqr. Returnd his list of Tytheables.
John STEVENSON Esqr. Returnd his list of tytheables.
Thos: WEEKES Esqr. Returnd his list of Tytheables.
John CLAYTON Esqr. Returnd a list of ~~his~~ tytheables.
John HARVEY Esqr. Returnd a list of ~~his~~ tytheables.
Robert RIDDICK Esqr. Returnd a list of ~~his~~ tytheables.
Joseph CREECY Esqr. Returnd a list of ~~his~~ tytheables.
Benjn. HARVEY Esqr. Returnd a list of ~~his~~ tytheables.

Thos. WEEKES, James GIBSON, Richard WHEDBEE auditors appointed to audit the accots. of Joseph PERISHOE as Guardian to Deborah SUTTON Orphan whose Estate lay in the hands of Christopher SUTTON Decd. former Guardian which is allowd of.

[316]

In pursuance of and Obedience to the within Order of Court we whoes names are hereunder written (towit the Jurors) being first sworn have laid out the said road by a line of Marked trees from the upper End of the said up River Road to the farther uppeside of Gumb branch between Thomas BOSWELLS and Docky? MOORES? Ordered that the said new Road be Enexed to the old road and that Robert COCKS the Present overseer do make Clear & Causway the said Road according to Law. issud.

Pursuant to an order of Court the Jury in obedience Duly Qualified and laid out a Road from the River brdge by Mr. Thomas NEWBYS to the Cypress bridge according to an order of Court Granted the 16 of July 1754. Test. Robert RIDDICK Nicholas STALLINGS
Willm. HOLLOWELL Joel HOLLOWELL John REDDICK James PRICE
John HOLLOWL: Joseph PERRY Simon STALLING Moses FIELD
Willm. PRICE Daniel ROGISON Reuben FIELD. fees Due

John WHEDBEE Esqr. Returned a list of ~~his~~ tytheables.

the Petition of Elisabeth WRIGHT & Nathaniel WELCH Read Praying an order of Court of for the Sale of the Perishable Estate of ~~the Estate of~~ Samuel WRIGHT Dec'd it was Granted and ordered that they have an order for the same and make Return of their Proceeding thereon to the Next Court. order issued. fees pd.

Jacob CARRUTHERS Constable Returned his list of all the Masters Mistresses and overseers of families in his District being first Duly Proved in open Court.

On Motion of Sarah PITTOS??? orphan praying leave to Choos her Guardian which was allowd of and shee Made Choice of Francis PENRICE ordered he be Guardian to the sd. Orphan and that he give Security in the sum of fifty Pound Serling whereupon he Produced Edward PENRICE and William RINTTEN? for his Securities which was approved of ordered that he take the Estate of the said Orphan into his hands wheresoever to be found. fees Paid. Ord'r. Issud.

[317]-31

The petition of John JONES praying administration on the Estate of his Sister Mary JONES Deceased and it appearing to the Court that the right of administration ~~belongs to~~ lay in him it was accordingly Granted and ordered that the Secretary of the said Province have notice that Letters of administration may issue thereon as the law Directs and ~~also~~ that he ~~hath~~ ~~given~~ Security Give Security in the sum of Two hundred Pound Sterling. Proclamation money which Security is Given by John HYNES & Joseph PERISHO which are approved of and he was Qualified thereto in Due form of Law. ord'r. Issued. pd.

An Inventory of the Estate William BARKER Deceasd Returnd by James SETTISON being first Duly Proved before a member of this Court. pd.

An Inventory of the Estate of George GRIFEN Decd is Returnd by Mr. Emperor MOSELY admr. being first Proved before a member of this Court. pd.

Account of Sale of the Estate of George GRIFEN Deceas'd is Return'd by Emperor MOSELY admr. being first Duly Proved before a member of this Court. pd.

An accot. Current of Emperor MOSELY admr. with the Estate of George GRIFEN Deceasd is Returnd being Duly Proved before a member of this Court. fees pd.

An Inventory of the Estate of John GUYER Deceasd is Returnd by Ralph FLETCHER admr. being first Duly Proved before a member of this Court. fees pd.

An Accot. of the Sale of the Estate of John GUYER Deceasd is Returnd by Ralp FLETCHER admr. being first Duly Proved before a member of this Court. pd.

[318]

An Inventory of the ~~the~~ Estate of Mary STONE Returnd by John LACY Exr. being first Proved before a member of this Court.