

The Last Will and Testament of Benjamin Deboard.

North Carolina }
Ashe County }

I Benjamin Deboard of the
aforesaid County and State being of sound
mind but considering the uncertainty of my
earthly existence do make and declare
this my Last Will and Testament.

First My Executor herein after named
shall give my body a decent burial
suitable to the wishes of my friends and
relations and pay all funeral expenses together
with out of the first moneys which may come
into his hands belonging to my estate.

Second I give and devise to my beloved wife
Jane, the house or the room of the house in
which I now live and seven acres of land
beginning at the East end of the room in which
I now live running north to the branch thence
up the branch to the first cross fence thence
turning through the grape yard field and back
to the beginning so as to include seven acres
for her natural life in satisfaction of
her dower and thirds in all my lands.

Third I give and bequeath to my beloved wife
Jane all the house hold plunder in my room except
one press and the bedstead and bed I sleep on.

Fourth I give and bequeath to my beloved wife
one small filly one red horse four years
old and one red two year old horse.

Fifth I give and bequeath to my beloved wife
one light brown fruit drier three turkeys and ten
chickens Sixth I give to my beloved wife five acres
to fire wood any where on my land.

Seventh I give to my beloved wife free access
to pasture for one cow any where on my
land. Eighth I give and bequeath to my
six children Robert, John, Crad, Elijah,
Charles and Cora the tract of land

on which I now live to be divided equally among
them and also the land here in willed to my beloved
wife is to be equally divided among my six
children at her death. Ninth I give and bequeath
to my daughter Cora Bureau, the ballance of
household and kitchen furniture to be equally
divided between my two youngest sons Elijah,
and Charles and my daughter Cora.

Tenth: My will and desire is that all the
residue of my estate if any after taking out
the devises and legacies above mentioned shall
be sold and the moneys owing to me collected and
and if there should be any surplus over and
above the payment of debts expenses and legacies
that such surplus shall be equally divided
and paid over to all my children in equal
proportion share and share alike.

Eleventh: I hereby constitute and appoint my
trusty friends E. J. Phipps and H. C. Spence
my lawful Executors to all intents and
purposes to execute this my last Will and
Testament according to the true intent and
meaning of the same and every part and
clause thereof hereby revoking and declaring
utterly void all other wills and testaments by
me heretofore made. I witness whereof I
the said Benjamin Deboard do hereunto set
my hand and seal this 10th day of March
1897 Benjamin Deboard

Signed, sealed, published, and declared by the
said Benjamin Deboard to be his last Will
and Testament in the presence of us who
at his request and in his presence do sub-
scribe our names as witnesses thereto

J. C. Parley *Seal*
J. A. Pierce *Seal*

State of North Carolina } In the Superior Court
County of Ashe

A paper purporting to be the last will and of Benjamin Deboard deceased is exhibited before me the undersigned Clerk of the Superior for said County by E. J. Phipps head of the Executors therein mentioned and the duly Execution thereof by the said Benjamin Deboard by the oath and examination of J. C. Pasley and J. A. Pierce the subscribing witnesses thereto who being duly sworn both depose and say and each for himself depose and swear that he is a subscribing witness to the Paper writing shown him purporting to be the last Will and Testament of Benjamin Deboard that the said Benjamin Deboard in the presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid and which bears date of the 10th day of March 1897

And the deponent further deposes: That the said Benjamin Deboard the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing as subscribed by him and exhibited to be his last Will and Testament and this deponent did thereupon subscribe his name at the end of said Will and as attesting witnesses thereto and at the request and in the presence of said testator and this deponent further swears that at the said time when the said testator subscribed his name to the said last Will as aforesaid and at the time of the deponent's subscribing his name as an attesting witness thereto as aforesaid the said Benjamin Deboard was of sound mind and memory of full age to execute a will and was not under any restraint to the knowledge information or belief of this deponent and further these deponents say not

J. C. Pasley

J. A. Pierce

Severally sworn and subscribed this 2nd day of April 1897 Before me

P. Blevins C.C.

North Carolina } In the Superior Court
Ashe County

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last Will and Testament of Benjamin Deboard deceased and the said Will together with the probate be Recorded and filed
This the 2nd day of April 1897

P. Blevins C.C.

North Carolina } In the Superior Court
Ashe County } May 28th 1897

In the matter of the will of Willey Church deceased, Sally E. Whittington & Willie Whittington being duly sworn both say that Willey Church late of Ashe County is dead having first made and published his last Will and Testament and that Sally E. Whittington & Willie Whittington is the Executors named therein. Further that the property of the said Willey Church consist of Household and kitchen furniture \$150.00 Cash and notes \$150.00 Stock \$15.00 Total \$315.00 so far as can be ascertained at the date of this Application, and that S. E. Whittington and Willie Whittington are the parties entitled under said Will to the said property.

S. E. Whittington (decal)
Willie Whittington (decal)

Sworn to and subscribed before
me this 28th day of May 1897
P. Blevins C.C.