

~~And~~ Last Will and Testament of James Smith &c
of Ashe County N.C.

I James Smith considering
uncertainty of this mortal life and being of
sound mind and memory blessed be Almighty
God for the same, do make and publish this
my last will and testament in manner and
form following, that is to say I give and
bequeath unto my son James J. Smith all of
my land, that I possess, with all of the
farming tools, my stock in two old waggon
the wheat from my part of the present
crop, of wheat and corn, and what stock
I own say horses cattle sheep and hogs by
his paying to the rest of the heirs hereafter
named the sum of two hundred and
fifty dollars each, to David Smith or his
heirs two hundred and fifty dollars
to John McNeal or his heirs two hundred
and fifty dollars, to John B. Fawcett or
his heirs two hundred and fifty dollars
to Mary Johnston or heirs two hundred
and fifty dollars to the heirs of Emma
Bablar two hundred and fifty dollars
to be paid in manner and form following
that is to say one hundred and twenty
five dollars to each heir above named in
twelve months from the Death of the
Testator and one hundred and twenty five
dollars from the date that the first payment
comes due, the said and divided and
withdrawing sum of one hundred and twenty five
among the said heirs or their heirs

James Smith Will Continued

all but one bed and the firestone
 that Rebecca Gray give to her
 I want Rebecca to have that
 And I hereby ordain and appoint my son
 James G. Smith my sole executor to carry
 out this my last will and testament
 in witness whereof I have hereunto set
 my hand and seal the 25th day of Sept
 1870 signed sealed and delivered by the above
 named James Smith to be his last will
 and testament

In the presence of us who have hereunto
 subscribed our names witnesses in the
 presence of the testator

Witnesses

W. S. McElloir & } James Smith test
 James M. Cook }

State of North Carolina }

Ashe County }

In the Probate and
 Orphans Court the 1st

A paper purporting to be the last will
 and testament of James Smith testator
 is exhibited before me the undersigned
 Judge of probate for said County By
 James G. Smith the executor therein
 mentioned and the executor thereof of
 the said James Smith By oath and
 Examination of W. S. McElloir and
 James M. Cook the subscribing witnesses
 then to who being duly sworn do the
 Depose and say and each for him
 self do the depose and say that

Probate of the Will of James Smith

That they are the Subscribing witnesses
 to the paper writing now shewn
 him purporting to be the last will
 and Testament of James Smith, and
 that the said James Smith in
 the presence of us Acknowledged the due
 Execution of his name which appears
 at the end of the said paper writing
 which is now shewn to them
 and Bares date of the 25th the day of
 September 1870 and these deponents
 further saith that the said James Smith
 Died at the time of Acknowledging
 the Execution of the said paper
 writing declare the same to be his
 last will and Testament
 And these deponents did thereupon
 Subscribe their names as attesting
 witnesses and these deponents further
 saith that at the ~~same~~ the time of
 the said James Smith so Acknowledging
 the Execution of the said will and at
 the time of these deponents Subscribing
 their names as attesting witnesses then to
 that they believe the said James Smith
 the testator aforesaid to be of sound
 mind and memory and of lawful age
 to make and constitute a will and
 that the said testator was not
 under any undue influence to the
 knowledge or belief of these Deponents
 and further these Deponents
 saith not.

R. Parsons
 Probate Judge