

and was not under any liability to the
knowledge information or belief of these experts
known to before me
J. M. Dickson Cll.
W. H. Hamilton
G. H. Hamilton

Upon the foregoing testimony it is ascertained that
the paper writing exhibited is the last will and
testament of H. J. J. J. J. and the same
is allowed to be recorded

J. M. Dickson Cll.

Last Will of Joseph Graybeal

In the name of God Amen

I Joseph Graybeal of Lenoir Township
Behe County North Carolina, Being of
sound mind and memory and
considering the uncertainty of this frail
and transitory life as therefore make and ordain
publish and declare this to be my last
will and testament that is to say first
After all my lawful debts are paid
and discharged the residue of my estate
real and personal I give bequeath and
dispose of as follows to wit

To my beloved wife One thousand
dollars to be put at interest at the
best possible rate by my executor the
interest of which is to be used for the
benefit of my beloved wife provided she
needs it, also of whatever part of the
principal she should need. If my said
wife should not need any of the principal
or all the interest of said one thousand
dollars it shall not be used, also to
my beloved wife the household and
kitchen furniture and farming utensils
and all my bees during the life of my
said wife then after the death of
her the said wife said furniture

farming implements and Bees are to be
divided equal or as the law directs by sale
Also to my beloved wife the old duffle gray
mare and two or three milch cows. my
said wife is to have the privilege of keeping
a riding house as long as she lives and
the hays, also my executor is empowered to
collect the residue of all my notes over the
One thousand dollars and the cattle over
the two or three milch cows to be divided or
sold as the law directs and what other
house property and all other articles of any
to be sold and divided with the four
girls or their heirs. And my executor will
take care of the said thousand dollars
that is keep it in good hands at interest
except what is necessary for the use of my
beloved wife during her natural life then
at her death to be divided as near as
possible so as to make all the heirs equal
in said estate.

To my said Calvin I give bequeath the
following tract of land Beginning on a
chestnut tree at the road running nearly
north with said road to the corner of the
fence, then up the road to an apple tree in
an aged line, then with said line to
a poplar tree, then with the whome height
of the point to a chestnut then up said point
to a hickory in fence corner on the top of the
ridge then in a westerly direction of the
extreme height of the ridge over to my line
and Eliza Graybeal line near death
to a Red ash my old Beginning corner
then down the ridge with the aged line
between John Robinson and my self the said
Joseph Graybeal to a snowwood in Calvin
Graybeal line then with said line to the
beginning containing forty four acres more or
less the said land being a parcel of land
timber which shall be provided for the offspring

land belonging to Eli H Graybeal to make the line fence between the said Calvin Graybeal and E. H. Graybeal. said land lying and being in the County of Ashe and State of North Carolina on the waters of Little Tunnel.

To my son E. H. Graybeal I give and bequeath the following tract of land lying and being in the County of Ashe and State of North Carolina. Beginning on a hickory in the fence corner on top of the ridge on agreed corner of Calvin Graybeal & E. H. Graybeal and Rufus Graybeal the extreme right of the ridge then down with the agreed line between E. H. Graybeal and Rufus Graybeal to my old line above the old school house and church or place of worship. then with my line to a stake in the agreed line in the road then with said line up the road to an apple tree then with the said agreed line to the different corners to the beginning on the ridge between Calvin Graybeal & E. H. Graybeal and Rufus Graybeal which is a hickory containing fifty acres more or less. Consideration being seven hundred and fifty dollars.

And to my son Rufus Graybeal I give and bequeath the following tract of land lying and being in the County of Ashe and State of North Carolina and on the waters of the Little Tunnel beginning on a hickory on agreed of Calvin Graybeal & E. H. Graybeal and the said Rufus Graybeal then up the ridge with the agreed line between Calvin Graybeal and Rufus Graybeal to my line and Eli H. Graybeal's line. then near north with my old line to a stake in the said Rufus Graybeal's line then with the agreed line between Joseph Graybeal and Rufus Graybeal to a stake in the road above W. Walker. then with the agreed line to a Lyman Walker corner then with said line to the creek

then with the old line to a stake in Rufus Graybeal's line then with the agreed line between Joseph Graybeal and Rufus Graybeal to a Beech on the ridge in the agreed line then up said line to a hickory the beginning corner containing fifty acres more or less. The consideration being seven hundred dollars. (And if on final settlement there should not be funds enough to make all the heirs equal that those who are more advanced to pay back to those who are not advanced equal.)

And now my beloved wife is to have the dwelling house and lot orchard and as much land of the different tracts as my executor and the circumstances of the claim or case demands. The mineral on all the lands are excepted and if found to be valuable to be sold and divided equal among all the heirs said mineral is to pay all damage done to the land. And in case the said Rufus Graybeal Calvin Graybeal and E. H. Graybeal should take in their case and use to their benefit any part of said land then in that case they must furnish the said wife or my widow with fire wood during her natural life.

In witness I appoint William Graybeal to be executor of this my last will and testament hereby revoking all former wills by one made.

In witness whereof I have hereunto subscribed my name and affixed my seal this 30th day of July 1890

Joseph H. Graybeal

The above written instrument was subscribed by the said Joseph Graybeal in our presence and acknowledged by him to each of us and he at the same time published and declared the above instrument to be his last will and testament and we at the testator's request and in his presence have signed our names as witnesses hereto and written opposite our names our respective

places of residence

R. W. Jones Cranton Ashe Co. N.C.

J. H. Graybeal Solitude Ashe Co. N.C.

John Pennington Solitude Ashe Co. N.C.

July 30th 1890

I Joseph Graybeal now making my last will and testament do hereby certify that I have given to all my children alike or equal except what they are due me as some of my children are due more than others up to this date as above according to my best belief and judgment

Joseph ^{his} Graybeal

Attest

John Pennington

John H. Graybeal

Whereas I Joseph Graybeal of Tammam Township Ashe County North Carolina have made my last will and testament in writing bearing date the 30th day of July A.D. 1890 by which I bequeathed that household and kitchen furniture farming tools be and belong to my beloved wife during her natural then at her death to be equally divided among all the heirs. Now I do by this writing which I declare to be a codicil to my said last will and testament and to be taken as a part thereof order and declare that my will is that Lillie Leach or hereafter have of the household furniture for her kindness in waiting on him the said Joseph Graybeal during his last sickness one bed consisting of feather bed under and tick and sheet two quilts and one blanket two pillows provided the said Lillie Leach will be agreeable and as right and be happy and kind to me as long as I live and after my death to continue kind and agreeable to my beloved wife and as right

and should the said Lillie Leach continue kind and agreeable until she is twenty years of age then in that case the said Lillie Leach is to have in addition to the articles above mentioned one switch can or twenty five dollars provided however if the said Lillie Leach should leave at any time before she is twenty years of age then and in that case the articles constituting the bed as above described is all she shall be entitled to. Now also I Joseph Graybeal do further continue the above Codicil in this wise as I forgot it on the day I made my last will and testament that is of the fruit trees in the orchard on the land on which we now live being willed to my son E. H. Graybeal. Now therefore my desire is that ^{by} of the choice fruit trees to belong to Calvin Graybeal and E. H. Graybeal to have first selection by terms that is one make his selection then the other make his until the said Calvin get his big trees according to my desire the bequeathing the fruit trees does not affect the land and the said Calvin Graybeal is to have the privilege of going and ^{get} the fruit of his said trees without being molested provided however the said Graybeal shall not damage the land or truck growing on the same more than the going in and out to get said fruit

In witness whereof I have hereunto subscribed my name the 1st day of August in the year of Our Lord eight hundred and ninety
Joseph ^{his} Graybeal

The above written instrument was subscribed by the said Joseph Graybeal in our presence and acknowledged by him to each of us and he at the same time published and declared the above instrument to be a codicil to his last will and testament and we at the testator's request and in his presence have signed our names as witnesses hereto and under our respective places of residence

R. W. Jones Tammam Township
M. F. Graybeal Ashe Co. N.C.
John Pennington

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

A paper writing purporting to be the last will and Testament of Joseph Grylls deceased is exhibited before me the undersigned clerk of the Superior Court for said County by William Grylls the Executor therein mentioned and the due execution thereof by the said Joseph Grylls is proved by the oath and examination of John Pennington and J. H. Grylls the subscribing witnesses thereto who being duly sworn do each and say and each for himself depose and say that he is a subscribing witness to the paper writing now shown him purporting to be the last will of Joseph Grylls that the said Joseph Grylls in the presence of this deponent subscribed his name at the end of said paper writing now shown as aforesaid and which bears date of the 30th day of July 1890

And the deponent further says that the said Joseph Grylls 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 then subscribe his name at the end of said will as an attesting witness thereto and at the request and in the presence of the said testator. And this deponent further says that at the said time when the said testator subscribed his name to the said will as aforesaid and at the time of deponents subscribing their names as witnesses thereto that the said Joseph Grylls 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 so not

Sworn to and subscribed J. H. Grylls *(S)*
this 22nd day of Oct. 1890 John Pennington *(S)*
J. M. Gilman *(S)* C. C.

A paper writing purporting to be a Codicil to the last will and Testament of Joseph Grylls as is exhibited before me for probate and the same is duly proved as such by the oath and examination of John Pennington and who states that they are present and saw Joseph Grylls the testator sign his name to the paper writing aforesaid and that they witnessed the same in his presence and at his request and at the said time the said Joseph Grylls declare the said paper writing to be a codicil to his last will. And the deponents further say that at the time the testator signed the said paper writing and at the time signed the same as witnesses the said Joseph Grylls 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 these deponents And further these deponents say so not

John Pennington *(S)*