

State of North Carolina Robt County

Last will and Testament of Thomas Swell a knowing that it is the Common lot of all men to die and enjoying health of body and being of sound mind I do hereby make my last will as follows

1st I give and bequeath unto my beloved wife Lucena Swell the house wherein I now live and out buildings with privileges such as she now enjoys during her natural life

Secondly I give and bequeath unto my son Melvin Swell one certain tract of land containing one hundred and thirty two & one half acres and bounded as follows Beginning on a chestnut sapling on a ridge in Waddles line corner of Elizabeth Swells lot. Thence North 30 West 9 poles to a white oak an old corner then East 35 poles to a dogwood then North 10 West 104 poles to a Hickory then South 00 West 6 poles to a hickory then North 54 West 24 poles to a chestnut oak then South 05 West 14 poles to a white oak then South 50 West 52 poles to a chestnut. then West 13 poles to a white oak and old corner then West 133 poles crossing the long branch to a water oak Samuel Plummers corner then with his line South 57 East 34 poles to two Spanish oaks then South 20 East 35 poles to a stake then South 13 West 14 poles to a chestnut. then South 20 West 9 poles to a dogwood. then South 50 East 15 poles to a chestnut oak then South 27 East 72 poles to a stake near a chestnut bush then North 70 East 83 poles to a white oak. then North 68 East 54 poles to the beginning

3rd I give and bequeath unto my daughter Elizabeth Swell one certain tract of land bounded as follows Beginning on a corner stone corner of Johnston Hores and wife lot then for a division line 54 1/2 East 68 poles to a dogwood and hickory on a ridge in Waddles line. then with same North 7 East 34 poles to a white oak. then North 5 West 14 poles to a black oak then North 20 West 13 poles to a chestnut sapling corner of Melvin Swells but the division line between

Said Elizabeth & Melvin South 08 West 54 poles to a white oak then South 70 West 82 poles to a stake in Samuel Plummers line near a chestnut bush then South 27 East 16 poles to a white oak then South 14 East 34 poles to a dead white oak. then South 13 poles to a white oak then South 31 East 38 poles to a high dead white oak Thence corner of Ed. Hore & wife lot with the lines of same East 40 poles to a stake near the long branch then North 32 East 44 poles to the beginning containing 60 1/2 Acres

4th Finally I give and bequeath to my son and daughter Johnston & Martha Hore one certain tract or parcel of land Beginning on a dead high white oak stump in Samuel Plummers line South 57 East 34 poles to a stake then South 23 East 38 poles to a chestnut stump then East 7 poles to a stake. then South 20 East 34 poles to Grace Ann Horeys corner then East 37 poles to a fallen white oak in the old line then with same North 10 poles to a stake near the fork of long branch then of the East prong of the same North 42 East 41 poles to a white oak. then North 23 East 38 poles to a water oak near Waddles line. then with said Waddles line North 00 West 27 poles to a stake. then North 05 West 15 poles to a white oak. then North 23 poles to a white oak. then North 15 West 28 poles to a white oak then North 5 West 20 poles to a dogwood and hickory a corner of Elizabeth Swells lot. then South 54 1/2 West 68 poles to a corner stone a division line between said Elizabeth Swell and said Hore & his wife. then South 32 East 48 poles to a stake near the long branch then West 40 poles to the beginning containing 70 Acres

5th Lastly I give and bequeath to my daughter Grace Ann Horey one certain tract of land bounded as follows Beginning on a stake in fine Plummers line running South 6 East 4 poles to a chestnut then South 45 East 12 poles to a maple. then North 00 East 24 poles to a Red oak near the end of long branch. then North 48 poles to a fallen white oak a corner of Hore & wife lot. then West 37 poles to the beginning being a division line between said Horey & Hore & wife containing 11 Acres all the aforesaid land lying and being on the waters of long branch of Little Bottom Creek in Robt County North Carolina. I furthermore require my son Melvin Swell to pay to Grace Ann Horey such sum as shall make her lot Equal to the other 70 Acres lots

7 I give and bequeath all my personal property

To my son Melvin Drivall in Consideration of
 which he the said Melvin Drivall is to provide
 for support and take care of his father & mother
 the said Thomas Drivall & Louisa Drivall during
 their natural lives. In testimony whereof I have
 hereunto set my hand and seal this the 2^d
 day Dec. 1890.

Witness my hand and seal this the 2^d
 day Dec. 1890. *Thomas Drivall*
James Wagg
A. W. Wagg

North Carolina }
 Ashe County }

A paper writing purporting to be the
 last will and testament of Thomas Drivall dec
 is this day exhibited here one for probate and the
 one execution thereof by the said Thomas Drivall
 by the oath and examination of A. W. Wagg one
 of the subscribing witnesses thereto deposed and says
 that he is a subscribing witness thereto that the said
 Thomas Drivall in his presence signed his name
 at the end of said paper writing and this apart
 at the request and in the presence of the said
 Thomas Drivall dec. subscribed his name as an
 attesting witness to the said paper writing and there-
 upon And this deponent further says that at
 the time of the said signing his name at the
 end of said paper writing and at the time of
 his assigning the same as an attesting witness
 the said testator Thomas Drivall was of sound
 mind and was of full age to execute a will
 and was not under any duress to the knowledge
 information or belief of this deponent

Subscribed and sworn to before me
A. W. Wagg
J. M. Siskin C.S.C

And it appearing to the satisfaction of the
 Court that James Wagg one of the subscribing
 witnesses to the paper writing purporting to be the
 last will and testament of Thomas Drivall
 dec. now exhibited for probate is dead

And Frank Hardin being duly sworn deposes and
 says that he is well acquainted with the hand
 writing of the said James Wagg aforesaid. And
 that the signature of the said James Wagg as
 an attesting witness to the paper writing aforesaid is
 in the genuine hand writing of the said James Wagg
 subscribed and sworn to before me. *Frank Hardin*
J. M. Siskin C.S.C

Wesley Thomas once being duly sworn says he is well
 acquainted with the hand writing of the said testator
 Thomas Drivall dec. has often seen him write and
 that the signature of the testator Thomas Drivall at
 the end of said paper writing is in the genuine
 hand writing of the testator Thomas Drivall dec.