

said land I give my daughter Leonora three promissory notes which I now hold; first note signed by her for twelve hundred and fifty dollars dated 7th July, 1859 payable twelve months after the date; second note made by her for two hundred & fifty eight dollars dated 7th Sept., 1859; third note made or signed by H. H. Watters (now dead) for five hundred dollars payable twelve months after date thereof & dated 13th Sept., 1859. And whereas some negro children have been born since the date of the date of the Waved Will, now it is my wish and desire that such children as have been or shall be born hereafter shall respectively go with their mothers. In testimony whereof I have hereunto set my hand & seal the 24th day of September, Anno Domini, 1860.

Signed, sealed & published *Samuel Smith*
By the said Saml. Smith in presence of us

John B. Charlotte
John S. Milinor

Recorded agreeably to an Act of Genl. Assembly, Special Session, Ratified Feb. 1st, 1908. Copied from Old Records, Book B. page 17

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of paper writing purporting to be the Last Will & Testament of John Davis, dec. is exhibited for probate in open court by George W. Davis and George W. Trout the Executors therein named and the due execution thereof is proved by the oath & examination of John W. Galloway one of the subscribing witnesses thereto. It is therefore considered by the court that the said paper writing and every part thereof is the last Will and Testament of the said John Davis and the same is ordered to be registered & filed and therefore the said George W. Davis and Geo. W. Trout Executors as aforesaid duly qualified as such by taking the oath required by law.

In the name of God, Amen! I, John Davis, of Smithville, in the County of Brunswick and State of North Carolina, being of sound and disposing mind & memory but considering the uncertainty of this life, do make, publish and declare the following to be and contain my last Will and Testament.

First - It is my desire that all my just debts be paid out of the first moneys that shall come into the hands of my Executors. I give and bequeath to my wife, Mary, all my property both real and personal, for and during the term of her natural life, without the power however of selling or otherwise disposing of any part thereof. It is my desire that

at the death of my wife there should be an equal division of all my property between my son George and my daughter Jane Trout, and whereas I have already provided by deed of gift that at the death of my wife my slave, Matilda, and all her children shall become the property of my daughter Jane I now give and bequeath to my son George at the death of my wife, all the rest and residue of my property both real and personal. Provided nevertheless that should the said property exceed the value of Matilda & her children, then my son George shall pay over to his sister Jane the amount of such excess so as to make their shares equal, and in like manner should Matilda & her children exceed the amount of the balance of my property, the difference shall be paid by her to my son George.

It is my wish that my Executors herein after named, collect what money may be due me at the time of my death and that they loan the same out together with what money I may have on hand or otherwise safely invest so that it may bring a fair interest and that they pay over the amount of such income or interest to my wife annually during her life.

Lastly - I nominate, constitute and appoint my son George and my son in law George W. Trout, Executors to this my last Will and Testament to carry into effect the same, according to its true & meaning hereby revoking all other Wills and Testaments by me heretofore made. Witness my hand & the 2nd day of November, A.D. 1860. *John Davis*
Signed, sealed, published and delivered by the said John Davis to be his last Will and Testament in our presence who in the presence of the testator & of each other have hereto set our names as subscribing witnesses.

J. W. Galloway
Saml. Langdon

Recorded agreeably to an Act of the Genl. Assembly, Special Session, 1908. Ratified Feb. 1st, 1908.

Copied from Old Records, Book B. page 220 v.