

Last Will and Testament of Eleanor H Swain
Raleigh North Carolina Jan 8th 1883

I Eleanor H Swain of the City of Raleigh and State of North Carolina do make and publish this my last Will and Testament, hereby revoking all others;

No 1 My farm in Edgecombe and Pitt Counties, I give to the children of my deceased daughter Mrs E H Atkins I wish from the proceeds of the farm or some other, that my sister Feltore, if surviving me shall receive two hundred and fifty Dollars annually during her life. The balance of rents go to the children of my daughter. If a sale of the farm is preferable, in time, then the money paid for it must be invested in some kind of stock or property yielding dividends or interest. When Dykins, son of my daughter becomes of age, there may be a division of this property each child having an equal share.

No 2 Bank stock in Citizens Bank of Raleigh, and in Merchants and Farmers National Bank of Charlotte, with the remaining debt still due from the Kimberly estate in Buncombe County I leave to be equally divided between the children of my deceased daughter E H Atkins, receiving the interest only, untill after each becoming of age.

No 3 Money due me as the sole legatee of my deceased husband D L Swain, from the Trustees of the University of North Carolina I will to my grandson S Dykins Atkins.

No 4 The Historical Collection made by my husband D L Swain in consideration of his great zeal in providing a good and reliable history of his native State, though unfinished I leave with the executors of this will to dispose of by a sale or a gift as they believe to be best to insure a fulfillment of the work to the State of North Carolina.

No 5 A Tract of land near Dalton Georgia I give to Lula Swain my grand daughter and advise her to go and live on it said to be valuable, low mountain land in Buncombe County, in the case of R V Blackstock for a lot with my

from sales of same. I give to Lula Swain.

No 6 The debts due with interest from the estate of the late Jesse Liler of Franklin Mason County, I give one half to Lula Swain the other half equally divided to Dot and Susan Atkins my grand daughters.

No 7 The University Magazine I give to Dykins Atkins my grand son and all other books I have, if he desires, or my portrait gallery in 4 vols I give to Lula Swain, and 2 vols of the New Testament I give to Dot Atkins.

No 8 My family portraits I leave to the children of my deceased daughter E H Atkins, and always remain with some relation of their mother. They shall not be removed from the old family mansion so long as it may be occupied by one of the family.

No 9 A waiting servant kind and of good morals must be provided for the care of my youngest and dearest little Susan Atkins, paid for with Bank interest. The same thing may done for and by Dot and Dykins if they like.

No 10 If there should be a residue of the estate not embraced in this will, but may be found among the bonds or notes in the hands of my friend R M Battle atty, who having past the management of my business it will add to the closing up of my earthly affairs. I owe no debts unless in the settlement with Mr Battle, and in paying my account his father may have unsettled against me. This matter will be attended to as soon as practicable as I have some funds in Citizens Bank \$1000 (One thousand Dollars) after my burial expenses and medical bills are paid. Should there be a balance of funds remaining, and every thing settled, divide between my four Grand-Children. By the death of my sister Susan White I am made by her will sole heir to all but one fifth of the two acre lots on which we have lived, my sister Feltore owner of a fifth, my will leaves her in possession of the house and lot which she may retain so long as she lives without molestation or charge of rents by my heirs, the children of my daughter E H Atkins deceased with my sister Feltore's consent I will have the privilege of retaining as engaged two lots of one third acre each fronting New Berne Avenue extending from the corner of the lot and running back south one half acre for friends, whatever sum the lots are valued

from it, I will deduct from each lot five hundred dollars as a compensation for services freely rendered to my afflicted sisters names shall be given elsewhere

A tombstone to the memory of my two sisters Susan and Emma joined at the hand with an arch resting on two stones or pillars

Inscription -

Susan White Born Aug 16th 1795

Born of the Spirit July 16 1811

Died Oct 18th 1882

Emma White - Born 12th 1802

Died Sept 25th 1882

United in life undivided in death

I wish to have a tombstone at the grave and to the memory of my son Richard C Swain buried in Freetown Ill

Inscription

Sacred to the memory of Richard Caswell Swain son of Hon David L Swain and Eleanor his wife of North Carolina

Born in Raleigh Nov 28 1837 Died by accident on rail-road near Shannon Ill January 29 1882

Erected by his affectionate mother Eleanor H Swain of Raleigh N.C.

I appoint Col Walter Clark Richard H Battle Attys Trustees of my will, should they refuse I wish them to appoint other reliable persons for the benefit of the heirs my Grand Children

Wm Eleanor H Swain

A disposal of my household good and kitchen furniture in the big room up stairs shall remain as it is so long as the children of my deceased daughter E H Atkins shall live here or continue to visit this old house of their maternal mother E H Swain. When a sale is desired, the money arising from the articles named, Wardrobe, Bureau, Wash stand, two marble top tables, sewing machine, 3 hair chairs, 1/2 doz cane bottom do, one rocking do &c, two small tables like the one I gave sister Felton, one pair of large shawl and towel hanging looking glass, Porcelain shall be given to my son

son. Dykins &c - my carpet I give to Dot. and Susan &c. Kins - also my large bed & pair linen sheets two bed marseilles covers should they desire a division of the bed it will make a single bed for each with two pair pillows one pair to each. The small single bedstead with feather bed & mattresses and one pair of pillows & pair of blankets one for Dykins. The marseilles quilt if too large may be sold for Sue and Dot. my second size feather bed I give to Lula Swain also my white plated castors and 10 dinner knives, my white metal tea set for Dot Atkins my large breakfast and dinner blue china set to be divided between my three grand daughters Lula Swain, Dot & Sue Atkins. if a sale is preferable divide the sum accordingly & large water pitcher & wash bowl and pitcher to match. one doz bottles, do small searessed set, milk basins &c. divide or sell money divide between the 3 granddaughters. Tins, pots, kettles, chains, old blankets, all such trumpery. Any thing not salable for its worth give the servants something they are especially given them my marble wash stand broken on one corner I give to Henry, also a Britannia tea pot and sugar bowl - to Sarah in table with two leaves and three cane chairs, a coffee grinder and block also sausage grinder, stuffer and brush my old white merino scarf I give to Matilda, purple woollen shawl to Mary Red - Black caps mine dress black to Emeline my water proof cloak, black velvet and merino shawls to Dot Atkins. Home knives forks will be labelled for those intended, my new black bunting dress I give to Henry, my old wrap per two flannel shirts and a good black dress bought and given to Allie Brooks and every thing I have not especially named may be given or sold, Dot may be competent to decide and give to Lula any little thing or things that will be of benefit Matilda Henry, Sarah Maty. Mary, Emeline, and Dicy Lane our Dicy and Telga are the servants I consider in my will to have something, Annies gold thumb and my gold spectacles for little Susa and a gold breast pin cross for Lula, silver fork and a butter knife for Dykins. silver fruit knife, marked D C for Lula. This is hurriedly done & I have a few years longer I hope to

dispose most of my effects without this trouble
of memorandums -

Dot has all her mother's jewelry.

The furniture of my sisters Susan & Emma
will be given or disposed of by sale for the benefit
of my grand children to each an equal share
2 doz silver knives of Susan & Emma, and a white
metal tea set is for my little Susan and a silver
soup ladle for Lula Swain and all the silver spoons
of Susan & Emma to be given to Lula Swain

The 2 names I offer to sell lots to are Col Walter Blake
and Dr A Knox they have their own conveniences for
payment to heirs of E H Atkins.

May 8/83 Ed E H Swain

North Carolina }
Wake County } ss

I Charles D Upchurch Clerk of Superior Court and
Judge of Probate in and for the county and
State aforesaid do certify that the foregoing is
a true perfect and complete copy of the last will
and testament of Mrs E H Swain dead the ori-
ginal of which is filed in said court and duly
proven and recorded according to law

State of North Carolina }
County of Buncombe }

On this the 16th day of September 1886 there is
exhibited in open court a paper writing purport-
ing to be a copy of the last will and testament
of Eleanor H Swain certified by Charles D
Upchurch Clerk Superior Court Wake County
State aforesaid and it appearing from an in-
spection thereof that the same is a true co-
py, that the certificate thereof is in due
form and by the proper officer, it is ad-
judged that the said copy is now admitted to
probate in the County of Buncombe and on
and to be recorded

This the 16th day of September 1886

Buncombe Co. NC Wills, Bk B, 1868-1899

www.northcarolinapioneers.com

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

A paper purporting to be the last will and testament
of Sarah Ann Balloway deceased, is exhibited before
me, the undersigned, Clerk of Court for said County,
by the executrix, Mary Catharine Balloway, Susan Monte-
oned, and the due execution thereof by the said Sarah Ann
Balloway, by the oath and examination of E J Aston
and J G Aston the subscribing witnesses thereto
who being duly sworn, doth depose and say, and each
for himself depose and saith, that he is subscribing
witness to the paper-writing now shown him, purporting
to be the last will and testament of Sarah Ann Balloway
that the said Sarah Ann Balloway, in the presence
of this deponent subscribed her name at the end of
said paper-writing which now shown as aforesaid
and which bears date of the 17th day of January
1886, And the deponent further saith, that the said Sarah
Ann Balloway, the testator aforesaid, did at the time of
subscribing her name as aforesaid, declare the said
paper-writing so subscribed by her and exhibited
to be her Last Will And Testament, and this deponent
did thereupon subscribe his name at the end of said
will as an attesting witness thereto, and at the re-
quest, and in the presence of the said testator
And this deponent further saith, that at the said time
when the said testator subscribed her name to
the said last Will as aforesaid, and at the time
of deponent, subscribing his name as an at-
testing witness thereto, as aforesaid, the said Sarah
Ann Balloway 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
to say not

Servantly sworn and subscribed
This Thirtieth day of September 1886
before me

W J Reynolds CSC