

North Carolina
Buncombe County

I, James P. Smith of Buncombe County North Carolina, considering the uncertainty of life and the certainty of death, and being of sound and disposing mind and memory do make and publish this my last will and testament; 1st. I give and devise to my beloved wife Elizabeth J. Smith and her heirs all my personal property of every kind and description, and all my real estate consisting of one hundred and forty acres of land, lying on the waters of Middle Creek, in the Sixth Civil District Western County Tennessee, the same being bounded on the North by the lands of Decimus Burns, on the West by the lands of the heirs of St. Bogd. Dead on the South by the land of Oregon Nelson and on the East by the lands of John Davis, J.D. Norvell and James Norvell, and being a part of the land owned by my father John Smith at the time of his death. And it is my will and desire that my said wife shall use and control said land for her own benefit and the benefit and use of my three children, James G. Childs, L. and Eva E. Smith, and that she shall have full power and authority to sell and convey the same should she see proper to do so and invest the proceeds in such way or ways in her judgment best promote her interest and the interest of my said children.

2. I hereby constitute and appoint my said wife Elizabeth J. Smith the executrix of this my last will and testament.

3. I hereby revoke all former wills by me made.

In testimony whereof I, James P. Smith have hereunto set my hand and seal this 8th day of April 1886

James P. Smith (Seal)

Signatures sealed and declared by the above named James P. Smith as and for his last will and testament

in the presence of us, who, at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses, this the 8th day of April 1886.

H.B. Carter
E.L. Brown

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

A paper purporting to be the last will and testament of James P. Smith, deceased, is exhibited before me the undersigned, clerk of the Court for said County, by Elizabeth J. Smith, the executrix therein mentioned, and the due execution thereof by the said James P. Smith is proven by the oath and examination of H.B. Carter and E.L. Brown the subscribing witnesses thereto, who being duly sworn doth depose and say, and each for himself depose and say, that he is a subscribing witness to the paper containing now shown him, purporting to be the last will and testament of James P. Smith; that the said James P. Smith in the presence of this deponent, subscribed his name at the end of said paper writing which now shown as aforesaid, and which bears date of the 8th day of April 1886. And the deponent further saith, that the said James P. Smith, the testator aforesaid, died at the time of subscribing his name as aforesaid, and that the said paper writing was subscribed by him and exhibited, to be his last will and testament, and that deponent did then and there 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 saith that at the said time when the said testator subscribed his name to the said last will as aforesaid and at the time of deponent's subscribing his name as an attesting witness thereto as aforesaid, the said James P. Smith 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 not.

H.B. Carter (Seal)
E.L. Brown (Seal)

Subscribed and sworn to this 8th day of July 1887

W.J. Reynolds 1888.

Buncombe Co. NC Wills, BK B, 1888-1899

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(m)

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

I Elizabeth J. Smith, do swear that I believe this writing to be and contain the last will and testament of James F. Smith, deceased and that I will take and truly execute the same by first paying his debts and then his legacies, & for as the said estate shall extend, or the law will charge me, and that I will well and faithfully execute the office of an executrix agreeable to the trust and confidence reposed in me, and according to law, so help me God.

E. J. Smith

Sworn and Subscribed before me this 30th
Day of July, 1887
W. J. Reynolds J. B.

In the Name of God, Amen, I William McBrayer of the County of Buncombe and State of North Carolina, being of sound mind and memory but weak in bodily strength, and desiring to make the uncertainty of my mortal life, do make, publish and declare this to be my last will and testament:

First - I will and bequeath to my beloved wife Elizabeth one bay horse, and all my saddles, traps and sheep, household and kitchen furniture and growing crops and tools, for her own use and the use of her family that remains with her, and to dispose of the same as she thinks best.

Second - I will and bequeath to my said wife Elizabeth all my real estate lying and being in the said county of Buncombe and on some land when I now live, adjoining lands of George Wright, L. C. Clayton, dec'd and James McBrayer, dec'd & others, when I now live, from sundry and several acres more or less, to have and to have for and during the term of her natural life, and then to go to my four daughters to wit: Mary Elizabeth, Lucy Ann, Milly Matilda, Lavinia Adeline, equal as tenants in common, and to be divided as they may think proper; but it case that it should be necessary to sell any portion of said real estate for the payment of any debts or expenses more during my lifetime or for my funeral expenses, I hereby authorize my said wife to sell and convey the same in fee simple, but only so much thereof as may be necessary for the payment of said debts and expenses and no more.

Third - I will and bequeath to my four daughters, my dear Mary Ann, six years old, and her increase, and our nurse child, to have and to have as tenants in common. In witness whereof I have set my hand and seal the 26th day of August A.D. 1877.

William McBrayer

Signed, Read and Subscribed in our presence, and we subscribed the same as attesting witnesses in the presence and in the sight of the testator and in the presence of John Reed, Sen. & Esq. Reed