

I, Martha Walton of the town of Morganton, County of Burke & State of North Carolina, widow of the late Thomas Walton, do make, publish and declare this paper writing to be and contain my last will and testament.

Item 1st My funeral expenses all of my debts must first be paid out of the monies due me from my late husband's estate.

Item 2nd The balance of the money due me from my said husband's estate after paying my funeral expenses and debts I dispose of as follows, first my Executors hereinafter named must pay One Hundred dollars to the Reverend W^m C. Shutz pastor of the Presbyterian Church in Morganton, which I give to him as a special legacy and the residue I give and devise as follows, one share to my son Thomas G. Walton; one share to my son William M. Walton; one share to my daughter Elizabeth T. Avery; one share to the children of my deceased daughter Louisa Patton; one share to the children of my deceased daughter M^r M. Erwin and one share to my great grandson an infant child of my grandson M. B. Patton deceased.

Item 3rd I give devise and bequeath my Bank stock in the Bank of North Carolina to my children.

daughter Elizabeth J. Avery; one share to the children
of my deceased daughter Louisa Patton; one
share to the children of my deceased daughter M.
M. Erwin and one share to my great grandson
an infant child of my grandson M. A. Patton de-
ceased.

Item 3rd I give devise and bequeath my Bank stock
in the Bank of North Carolina to my children
Thomas G. Walton, William M. Walton and Elizabeth
J. Avery to be divided equally between them share
and share alike.

Item 4th I give, devise & bequeath my house-hold prop-
erty & furniture as follows to wit, my Secretary and
book-case and the portrait of my deceased son James
M. G. Walton to my son Thomas G. Walton; My clock
and side-board in the parlor to my son William
M. Walton; and the mirrors, mahogany tables which
are in the parlor, and six cane bottom chairs from
the front room up stairs and my rocking chair to
my daughter Elizabeth J. Avery.

Item 5th I give, devise and bequeath to my four grand-
daughters Laura Erwin, Martha Avery, Margaret
Walton and Lola Walton a bedstead each togeth-
er with the beds and furniture belonging thereto; the
two in the front room up stairs immediately over the
store room to Martha Avery and Margaret Walton
and the two in the next adjoining rooms to Laura
Erwin and Lola Walton.

over

Item 6th I give, devise and bequeath to my grand-daughter Anna McFounaughy one cow and calf, her choice.

Item 7th I give all the residue of my household and kitchen furniture and all of my stock of horses, mules, cattle and hogs to my three children Thomas G. Walton, William M. Walton and Elizabeth I. Avery to be equally divided among them by three disinterested persons to be chosen by themselves one each, unless they themselves can make a satisfactory division.

Item 8th If there be any old family relic which any of my grand-children desire to have I hope their wishes may be gratified by my Executors if it can be done without interfering with the foregoing disposition I have made of my property.

Item 9th I do hereby appoint my well beloved sons Thomas G. Walton and William M. Walton Executors of this my last will & testament and I do revoke and declare null and void all others wills and testaments by me heretofore made. In witness whereof I do hereunto set my hand & seal on this the 7th day June A.D. 1865.

Nathaniel Walton Seal

Signed & sealed in our presence, who witness

I Avery to be equally divided among them by
three disinterested persons to be chosen by themselves
one each, unless they themselves can make a satis-
factory division.

Item 8th If there be any old family relic which any
of my grand-children desire to have I hope their
wishes may be gratified by my Executors if it can
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position I have made of my property

Item 9th I do hereby appoint my well beloved sons
Thomas G. Walton and William M. Walton Executors of
this my last will & testament and I do revoke and
declare null and void all others wills and testaments
by me heretofore made. In witness whereof I
do hereunto set my hand & seal on this the 7th day
June A.D. 1865.

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Nathaniel Walton Seal

Signed & sealed in
our presence, who witness
the same at the request
of the testatrix in her
presence and in the
presence of each other.

R. C. Pansau
J. R. Caldwell

State of North Carolina, We W. M. Walton and
Burke County, J. D. Grob Walton executor
of Maisha Walton dec'd. swear that we believe the
paper writing admitted to probate, contains the last
will and testament of the decedent and that we will
well and truly execute the same by first paying her
debts and then her legacies as far as the said estate
shall extend or the law shall charge us, and that
we will faithfully and honestly discharge the duties
of this trust and will well and faithfully execute
the office of executors agreeable to the trust and
confidence reposed in us, and according to law
So help us God.

J. M. Walton
J. D. Grob Walton

Sworn to and Subscribed
before me this 12th ^{Be on} Dec. AD
1868,

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

J. D. Grob
Judge of Probate

State of North Carolina } Court of Probate
Burke County } 12th of Decr 1868

The application of J. G. & W. M. Walton Executors of Martha Walton for the probate of the last will and Testament of Martha Walton late of Burke County, sheweth that the said Martha Walton died in said County in September 1868, having made and published a last will and Testament in which J. G. & W. M. Walton are appointed the Executors thereof, that the said Martha Walton died seized and possessed of ~~last real and~~ personal estate situate in Burke County all of which is devised and bequeathed in said will and Testament to, Rev. Mr. L. Sheets, Tho. G. Walton, Mr. M. Walton, Elizabeth T. Avery, Clara S. Murphy of ~~Burke~~ County, Louisa Cheesebrough of Buncombe Co and to the children of Mr. M. Erwin, and to the son of M. A. Patton of Buncombe County who died previous to the death of the Testatrix.

The personal property of the said Martha Walton is supposed to be worth some five thousand (\$5000) Dollars.

The said J. G. & W. M. Walton now offers for Probate said last will and Testament

J. G. Walton

W. M. Walton

Sworn to and Subscribed
before me, at Office this 12th day of Decr AD 1868

F. D. Erwin
Judge of Probate

So Hand 26 Aug 1868.

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Brinelltown N.C.

August 21

Recorded in the book

of Wills
Franklin Brown: Clerk

Martha Mattons Morganston
N.C.

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Wm A. Caldwell a subscribing witness, to a
certain paper writing purporting to be the last
will & testament of Martha Walton Dec^d dated
7th day of June 1865 deponent and saith that
the said testatrix signed & sealed the said
paper writing and acknowledged it to be and
contains her last will & testament in his pres-
ence and in the presence of Robert C. Pearson
the other subscribing witness thereto and
requested them to witness the same, which they
did in her presence and in the presence of
each other. He also swears that the said
Robert C. Pearson one of the subscribing wit-
nesses is dead and that the signature
purporting to be his, is in his own proper
and genuine hand writing and that the
signature of the said testatrix to her said
will is in her own proper & genuine hand
writing written in his presence. He further
swears that he knew the testatrix for
many years, that he wrote the said will
at her request and that at the time of
the execution thereof by her he believed
her to be of sound & disposing mind and
memory and that she well understood
the contents of her said will
Sworn to & subscribed
before me this 12th Dec^r 1868.

W. A. Caldwell

F. D. Ervin
Judge of Probate