

David Baker Will— Died in 1874.

Baker, D. J. & Mary J. Executors of David Baker—
I, David Baker, of the County of Catawba and State of North Carolina, being of sound mind and memory and considering the uncertainty of my earthly existence do make and declare this my last Will and Testament in the manner and form following.

Item 1st That my executors hereinafter named provide for my body a decent Christian burial.

Item 2nd It is my will that each one of my dear children namely Henry Jones, Adeline (who married Cephas Rodrick), Eliza Child (wife of Daniel Child), Jane Middleton (wife of Lawson Middleton), Louisa Sides (wife of Luther Sides), Caroline Ahernethy share equally in the division of my estate.

Item 3rd It is my will that my youngest child Galvin who is not included in item first, have my home tract of land including the dwelling house wherein I now reside & containing about 300 acres after the death of my beloved wife Sarah.

Item 4th It is my will that my son Galvin after the death of my beloved wife Sarah have all the horses, sheep, hogs, cattle & mules on hand at that time. It is further my will that my son Galvin live with his mother and contribute all within his power to make her comfortable & happy in her old age & solitude.

Item 5th It is my will in the event my son Galvin should marry, and it should so happen that my sons wife and his mother my own dear wife cannot live together in peace and harmony that my son Galvin shall build him a house on the said home tract near by or convenient to his mother and cultivate said lands or as much thereof as will be necessary for the support of himself and mother during his lifetime.

Item 6th It is my will that my son Galvin, shall have control & manage the farm, and provide for his mother an adequate support during her life; it is further my will if any emergency should arise ~~and~~ whatever should arise so as to lead to the result or event mentioned in item four of this my will and Testament that my son Galvin shall have the following articles of personal property, one half of the

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Baker, D. J. & Mary J. Executors of David Baker—
house hold and kitchen furniture, the corner cupboard, one bed, desk, cutting box, grind stone and saw, my rifle gun, the farming tools including scythes & cradles windmills, blacksmith tools. One clock, one half the cattle, horses, mules, wagon, buggy and gear provided he remains on the place and supports his mother.

Item 6th It is my will that my beloved wife Sarah, shall have the home place during her natural life, and at her death to be my son Galvin absolutely and in fee simple forever, and in the event my wife should marry I desire that the home tract of land be so divided between her and my son Galvin if he should so desire as to give him a home & land enough to make him a decent support, and it is my will that the personal property be equally divided between them upon her marriage if my son Galvin should so desire it.

Item 7th It is my will that my wife Sarah have the following articles of personal property on hand at my death to wit: one half of the horses, sheep, cattle, hogs & all the provisions on hand all the household and kitchen furniture the farming implements subject to the conditions in items 5 & 6 of this my last Will and Testament.

Item 8th It is my will that my executors sell at public sale all the personal property of any kind whatever on hand at my death not herein disposed of including one half of my cattle, hogs and other effects not mentioned except my horses & mules. It is also my will that they shall sell my ^{home} ~~home~~ tract of land in Catawba County lying on Jacobs Fork, and also the home tract lying on Soap Creek in the same County.

Item 9th It is my will that the proceeds of the above sales together with all my notes & accounts and all other evidences of indebtedness due me be equally divided between my seven children named in item 1st of this my last Will and Testament, allowing my Executors to retain

Baker, D.J. & Henry

Executors

Item 10

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an amount sufficient to pay the expenses incurred to the settlement of my estate & also a reasonable commission for their services as such.
 Item 11 It is my will that the note which I hold against my son Henry, shall be credited with the amount due him from my estate should the said amount not exceed his note and in the event his interest in my estate is less than the value of the note against him the note shall be credited to the amount of his interest or share and the balance he shall not be required to pay within two years after my death.

Item 12 It is my will that the above provisions shall apply to the note which I hold against my son James, it is also my will that my sons Henry & James Baker shall act as my Executors in carrying out the provisions of this my last Will and Testament and hereby appointed them as such.
 In witness whereof I have hereunto set my hand and seal this day of Decr 1874.
 David ^{his} Baker

We Eli A. Warlick & M. L. Cline hereby subscribed our names as witnesses to the execution of the foregoing Will at the request and in the presence of David Baker - Signed this 6th day of February 1875.

M. L. Cline
 E. A. Warlick

Probate Court -

The execution of the foregoing paper writing was this the 31st day of Decr. 1874 duly proved to be the last Will and Testament of David Baker, by the oath and examination of M. L. Cline, a subscribing witness thereto and it appearing to the Court that E. A. Warlick its other witness is dead his signature is duly proved by the oath and examination of J. M. Fingers who declares that he believes the above to be genuine signature of said E. A. Warlick. Admitted to Probate and ordered to be registered.

M. E. Sherill
 Judge of Probate.

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Catawba County: - In the Probate Court.

Baker, D.J. & Henry

Executors of

David Baker

dec.

In the matter of the Will of { Before M. E. Sherill
 David Baker. Judge of Probate.

D. J. Baker & Henry Baker being sworn, depose that David Baker, late of said County, is dead, having first made and published his last Will and Testament; and that they D. J. Baker & Henry Baker, are the Executors named therein, further, that the property of the said David Baker, consisting of land, stock, notes, house hold & hold kitchen furniture &c. is worth about \$3000.00 so far as can be ascertained at the date of this application; and that the widow Sarah, Henry, D. J. Celine Baker and Caroline Sherwell, Eliza Celine Adeline H. derick, Jane Mottetel & Belza Hides - are the parties entitled under said will to the said property.

Sworn to and Subscribed { D. J. Baker
 before me, this 31st day { Henry Baker
 of Decr - 1874.

M. E. Sherill,
 Probate Judge.

D. J. Baker & Henry Baker, the Executors named in said Will - duly qualified by taking the required Oath & letters testamentary issued.