

information or belief of this deponent:
And further these deponents say not.

Solemnly sworn and
subscribed this 8th day
of Feb. 1892, before me

J. H. Moore Seal
C. C. Connor Seal

J. T. Thompson

257

Last Will of Elizabeth Brindley, Decd.

State of North Carolina, Catawba County.

I, Elizabeth Brindley of the aforesaid County
of State, being of sound mind, but considering
the uncertainty of my earthly existence, do make
I declare this my last will & testament.

First. My executor, hereafter named, shall give my
body a decent burial, & pay all funeral
expenses together with all my honest debts out
of the first money which may come into his
hands, belonging to my estate, provided there
is not enough money on hand to pay the
burial expenses & debts, then my request is
that he shall sell personal property, except my
beds, to meet the requirement.

Second. I give & devise to my two beloved grand
children, Allora Lemely Carpenter & Lilla
May Carpenter, all of the tract of land on
which I now reside, containing about 160
acres. To these two children, above named
& their heirs, in fee simple, I give this the
above named tract of land. In case one of
these children should die before she becomes of
age, leaving no heirs then the other must
have all the land. Provided they both should
die before they become of age, then my request
is that, Charles Brindley & his heirs, Joe Brindley
& his heirs, Wesley Brindley & his heirs, John
Brindley & his heirs, David Brindley & his heirs,
Peggy Wise & heirs Mary Micham & heirs

Better Whitener & heirs, Sally Stacey & heirs.
Marick Ethelene & heirs have one dollar each (five
ten dollars altogether). Then all the remainder of my
property I give & bequeath to my sons, brothers
& sisters and their heirs, to be divided equally
among them.

Now in case my personal property at sale fails
to bring enough to meet all expenses & debts
then it is my will that just enough land be
sold off of the upper end of my plantation to
meet the deficiency.

But if all these expenses and debts can be
met without selling all my personal property
or any of it, then I give it to the two above
named children, Allora & Lilla. But it is
my desire that they have the beds if it is not
necessary to sell them to meet expenses & debts.

Third. Now whereas, my Grand children are both minors
of the following ages, Allora 14 years & Lilla 6
years I will not be of lawful age until about as
to Allora 1897 & Lilla, 1904. Therefore my will &
desire is that my nephew Sidney Lippins be
as he is hereby constituted & appointed Guardian
of these two children, Allora & Lilla, to have &
to hold the custody of all this property that I
have given them until they become of the full
age of 21 years.

Fourth. I hereby constitute & appoint my trusty friend
& nephew Sidney Lippins my lawful Executor
to all intents & purposes to execute my last
will & testament, according to the true intent
& meaning of the same & every part &
clause thereof, hereby revoking & declaring
utterly void all other wills and testaments by
me heretofore made.

In witness whereof, I the said Elizabeth Brindley
do hereunto set my hand & seal.

This 15th day of July 1891.

Elizabeth Brindley (Seal)

Signed, sealed, published & declared by the
said Elizabeth Brindley to be her last
will & testament in the presence

information or belief of this deponent:
And further these deponents say not.

Several sworn and
subscribed this 8th day
of Feb. 1892, before me

J. T. Seymour

J. H. Moore Seal
C. C. Connor Seal

254

Last Will of Elizabeth Brindley Decd

State of North Carolina, Catawba County.

I, Elizabeth Binnett, of the aforesaid County
of State, being of sound mind, but considering
the uncertainty of my earthly existence, do make
I declare this my last will & testament.

First. My executor, hereafter named shall give my body a decent burial & pay all funeral expenses together with all my honest debts out of the first money which may come into his hands, belonging to my estate, provided there is not enough money on hand to pay the burial expenses & debts, then my request is that he shall sell personal property, except my beds, to meet the requirement.

Second. I give & devise to my two beloved grand children, Ullora Lemah Carpenter ^{and} Lilla May Carpenter, all of the tract of land on which I now reside, containing about 160 acres. To these two children, above named, & their heirs, in fee simple, I give this, the above named tract of land. In case one of these children should die before she becomes of age, leaving no heirs then the other must have all the land. Provided they both should die before they become of age, then my request is that, Charles Brindle & his heirs, Joe Brindle & his heirs, Wesley Brindle & his heirs, John Brindle & his heirs, David Brindle & his heirs, Peggy Wise & heirs Mary Micham & heirs

Peter Whitmer & heirs, Sally Stacy & heirs,
 Maria Whitmer & heirs have one dollar each (i.e.
 ten dollars altogether). Then all the remainder of my
 property I give and bequeath to my own brothers
 and sisters and their heirs, to be divided equally
 among them.

Now in case my personal property at sale fails to bring enough to meet all expenses & debts then it is my will that just enough land be sold off of the upper end of my plantation to meet the deficiency.

But if all these expenses and debts can be met without selling all my personal property or any of it then I give it to the two above named children. Alas & Lilla, at least it is my desire that they have the beds if it is not necessary to sell them to meet expenses & debts.

Third. Now whereas my grand children are both minors of the following ages, Allen 14 years ^{and} Lilla 6 years I will not be of lawful age until about as to Allen 1892 & Lilla, 1904. Therefore my will ^{and} desire is that my nephew Sidney Loper be ^{and} he is hereby constituted ^{and} appointed Guardian of these two children, Allen ^{and} Lilla, to have ^{and} to hold the custody of all this property that I have given them until they become of the full age of 21 years.

Fourth. I hereby constitute and appoint my trustes herein
and my nephew Sidney Leffers my lawful Executor
to all intents and purposes to execute my last
will & Testament, according to the true intent
and meaning of the same and every part & I
Clause thereof hereby revoking & declaring
utterly void all other wills and testaments by
me heretofore made.

In witness whereof, I the said Elizabeth Prindle
do hereunto set my hand and seal.

This 18th day of July 1890.

Elizabeth ^{her} Prindle Seal

Signed, sealed, published & declared by the said Elizabeth Brindle to be her last will & testament in the presence

of her, who at her request ^{and in her presence}
do subscribe our names as witnesses thereto.
Names of Witnesses.

J. M. Champitt.
D. C. Warlick.

Probate.

State of North Carolina, } 55 In the Sup. Court
Catawba County.

A paper purporting to be the Last Will & Testament of Elizabeth Brindle, deceased, is exhibited before me, the undersigned, Clerk of Court for said County, by S. C. Sefters, the executor therein mentioned, & due execution thereof by the said Elizabeth Brindle is proven by the oath & examination of J. M. Champitt, the subscribing witness thereto; who being duly sworn, doth depose & say and each for himself & his co-swearer, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will & Testament of Elizabeth Brindle; that the said Elizabeth Brindle, in the presence of this deponent, subscribed her name at the end of said paper writing, now shown as aforesaid, & which bears the date of the 18th day of July, 1890.

And the deponent further saith, that the said Elizabeth Brindle, the testator, 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 & Testament, & this deponent did thereupon subscribe his name at the end of said Will as an attesting witness thereto, & at the request and in the presence of the said testatrix. And this deponent further saith, that at the said time when the said testatrix subscribed her 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 Elizabeth Brindle was of sound mind & memory, of full age & capable of a will, & was not under any restraint to the knowledge or information or belief of this deponent: And further these deponents say, not
J. M. Champitt, (Test.)

Solemnly sworn & subscribed this
27th day of Feb. 1892. before me.
J. F. Sherman, C. J.

North Carolina }
Catawba County.

A. W. Ramsour being
duly sworn says that D. C. Warlick one
of the Witnesses to the foregoing Will of Elizabeth
Brindle is dead, that he is well acquainted
with his handwriting having often seen him
write, that the signature to the foregoing is
in his own hand writing.

Feb 27th - 1892

A. W. Ramsour.

Sworn to before me
this Feb. 27th 1892.

J. F. Sherman
C. J.