

Record of Henry Bakers Will 1878.

Catawba Station N.C.

Aug. 8th 1878.Baker, Henry
Dec.

Helton, Robert

Exr.

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I, Henry Baker, a Private in Capt. Rhines Company N. C. Co. (State Troops) & resident in Catawba Co. N.C., being sound both in body & mind, knowing the uncertainty of human life do make & publish this as my Last Will and Testament revoking all former ones by me at any time heretofore made.

As to my worldly property, either of real or personal estate or mixed I devise bequeath & dispose thereof in the following manner, to wit:

1st I wish all my just & lawful debts to be paid out of the proceeds of my estate & for this purpose I set aside two horses, & etc. in the Town of Newton N.C. which I wish to be sold for that purpose, if my notes at interest & other property of a personal character should not prove sufficient for that purpose.

2nd I give & bequeath & devise unto my beloved wife Mary Eviline Baker, all my personal property to her sole use & benefit, after all my just & lawful debts are paid, to be used by her for the support & benefit of my family & herself during & for the space of her natural life.

3rd I devise bequeath and give my plantation on the Catawba River, unto my wife Mary E. Baker, during her widowhood together with all farming utensils, tools & other matters to it appertaining; provided that upon her decease, or second marriage, I shall then revert to my lawful children.

4th Upon the decease or marriage of my wife Mary E. Baker, I give and bequeath unto each and every one of my lawful children, the Plantation on the Catawba River, to be equally divided between them, share & share alike. Provided nevertheless if an equal division cannot fairly be made, that the plantation shall be sold & the proceeds equally divided between them share & share alike.

5th I wish my executor hereinafter named to settle upon each & every one of my children, his or her share of my Plantation on the Catawba River in such a manner that

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it shall be for his or her sole benefit & use during the term of his or her natural life to the exclusion of each & every other claim & all other claims that may arise, & at the death of each child to descend to his or her heirs or assigns.

6th & lastly I do appoint & nominate, David J. Baker and Robert Helton to be the Executors of this my last Will and Testament.

In witness of the above I do hereunto affix my seal & write my signature on the day & date above written.

Signed, sealed & ~~distributed~~ in presence of
W. Reynolds & Curtis,
George W. Cochran,

State of North Carolina,
Catawba County.

It appearing to the satisfaction of the Court that H. Reynolds & Curtis, one of the subscribing witnesses to the foregoing paper writing is beyond the limits of the State, and cannot be reached by the ordinary process of law, and J. E. Eline being duly sworn says that he is well acquainted with the hand writing of said H. R. Curtis, having often seen him write, and also well acquainted with the hand writing of Henry Baker, and that he believes the signature to said paper writing to be genuine and in their own proper hand writing.

Sworn to and subscribed before, J. E. Eline,
me 22 June 1878,

M. D. Sherill Probate Judge.

North Carolina,
Catawba County. The execution of the foregoing paper writing was this 22nd day of June 1878 duly proved before me to be the last Will and Testament of Henry Baker, by the oath and examination of George W. Cochran sworn & Jones Eline. Admitted to Probate, and ordered to be recorded.

M. D. Sherill,
Judge of Probate.