

The last Will and Testament of Joseph Whitener

Application for letters Testamentary

Joseph Whitener
deceasedIn the matter of the Will of } Before Mr. D. Sherrill
Joseph Whitener "dec" } Judge of ProbateHosea Whitener
and
John A. Whitener
Executors
duly qualified

Hosea Whitener & John A. Whitener being sworn, both say: That Joseph Whitener, late of said county is dead having first made and published his last Will and Testament; and that Hosea Whitener and J. A. Whitener are the executors named therein. Further, that the property said Joseph Whitener consisting of land household & kitchen furniture & is worth about \$1200.00 so far as can be ascertained at the date of this application: and that J. A. Whitener, Hosea Whitener, the widow Polly Whitener and the heirs at law of Marcus Whitener and Emeline Whitener so called are the parties entitled under said Will to the said property.

Sworn to and subscribed

before me this 24 day Jan 1873

D. Sherrill

Probate Judge

H. H. Whitener

J. A. Whitener

In the name of God Amen

Considering the uncertainty of life and frailty of body and mind and when in good health and of sound mind I make this my last Will in manner and form following First of all I will to my wife Mary the plantation I live on during her life and to have the control of the same as she sees proper to do and at her death the plantation is to be divided into three equal shares, If Marcus Whitener lives or gets home, and if he fails to get home the land to be divided into two shares and to go to Hosea and John Whitener. If Marcus should get home he is to have his home where he formerly lived and if he fails to get home Hosea is to have choice of the division of land and the heirs of Marcus Whitener if he fails to get back is to have one third of the value of the land in money to be paid by Hosea and John Whitener

as each one pay an equal share of the money two years after my death. I also will to my wife Mary my two Mules and all my other stock on hand the grain on hand and growing crop only where Hosea is concerned he is to have one half of that part of the crop Marcus' widow to have her home where she now lives during life or widowhood and she may sell the house at any time and have the proceeds thereof I now will and bequeath to Emeline Whitener so called a child we raised The following property All the household and kitchen furniture with this exception one chest one clock all the chairs above 4. She is to have choice of clocks and she is to have one wash-pot and loom and at the death of my wife Mary the property of hers remaining of hers is to be sold and the money to be equally divided among my heirs Except fifteen dollars is to be paid by my Executors to Luther Hamman and in this my last will I appoint Hosea & John Whitener my lawful executors In this my last Will and Testament and I hereunto set my hand and seal this the 12th day of February one thousand eight hundred and sixty-six

Test Philip Burns
Anderson A. Brown
D. N. Kever

Joseph Whitener
his
mark

North Carolina } In the Probate court.
Catawba County }

The execution of the foregoing paper writing was this 24th day of Jan 1873 duly proved to be the last Will and Testament of Joseph Whitener "dec" by oath and examination of Anderson A. Brown & Philip Burns, two of the subscribing witnesses thereto and is therefore admitted to Probate

Mr. D. Sherrill

Probate Judge