

Benjamin Smith's
Will & Testament

Know all men by these Presents that I Benjamin Smith
of the County of Gaston and State of North Carolina, being
of sound mind and able of good memory. But Considering the
uncertainty of my earthly existence. I do hereby for the affection
of my son John B. Smith and my son-in-law John L. Robinson
I hereby request of them to assist me and to be my agencies during
the ballance of my earthly existence and after my earthly existence.
I do Affirm that I want those two persons above named to be
my Administrators on the remains of my land and all property
that should be left unsold or all that should be undivided property.
I want my Executors or Administrators to sell and divide
the proceeds of the same Equally between my Children namely
John B. Smith & Mary Richards and Jane Lavin. Eliser Nance
and Margaret Roberson and Landon M. Smith in Witness
whereof I set my hand and seal this 20 day of February 1882.

Signed Sealed and delivered in the
presence of these Witnesses
L. J. Leneberger
A. L. Boyd

Benjamin Smith

State of North Carolina } In the Probate Court
Gaston County } August 6th 1883
A paper writing purporting to be the last Will and Testament

State of North Carolina } In the Probate Court
Gaston County } August 6th 1883

A paper writing purporting to be the last Will and Testament of Benjamin Smith deceased, is exhibited before me, the undersigned Judge of Probate for said County, by John B. Smith and J. B. Robinson the Executors therein named. And the due execution thereof by the said Benjamin Smith was proven by the Oath and examination of Gaben J. Linenberg and A. L. Boyd the subscribing witnesses thereto who being duly sworn doth depose and say each for himself deposeth and say's that he is a subscribing to the paper-writing now shown him purporting to be the last Will and Testament of Benjamin Smith, that the said Benjamin Smith in the presence of this deponent subscribed his name at the end of said paper-writing which is now shown as aforesaid and which bears date of the 20th day of February 1882.

And the deponent further say's that the said Benjamin Smith the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper-writing so subscribed by him and exhibited to be his last Will and Testament. And this deponent did thereupon subscribe his name at the end of said Will as an attesting witness thereto, and at the request and in the presence of the said testator. And this deponent further says that at the time when the said testator subscribed his name to the said last Will as aforesaid

And at the time of the deponent's Subscribing his name as an attesting witness thereto, the said Benjamin Smith was of Sound Mind and Memory, of full age to execute a will and was not under any restraint to the knowledge, information or belief of this deponent.

It is therefore Considered by the Court that the said paper-writing and every part thereof is the last Will and Testament of the said Benjamin Smith deceased, and the same is Ordered to be recorded and filed.

And thereupon John B. Smith and J. B. Robinson the Executors therein mentioned as aforesaid, duly qualify as such by taking and subscribing to the oath required by law. And taking their testamentary oath. August 17th 1883

J. J. White
Probate Judge

Gaston County: In the Probate Court

In the Matter of the Will { Before J. J. White, Judge of Probate
of Benjamin Smith.

J. B. Smith being duly sworn, says: That Benjamin Smith late of said County is dead, having first made and published his last Will and Testament: And that Affiant is J. B. Robinson

Gaston County: In the Probate Court

In the Matter of the Will } Before J³ White. Judge of Probate
of Benjamin Smith.

J³ Smith being duly sworn. Says. That Benjamin Smith
late of Said County is dead. Having first made and published
his last Will and Testament: And that Affiant & J³ Robinson
are the executors named therein.

Further, that the property of the Said Benjamin Smith. Consisting
of sixty five Acres of Land known as "Old Gold Mine tract" &
Household Furniture &c Notes &c. is worth about \$1850.

So far as can be ascertained at the date of this Application.
And that J³ Smith the Affiant. Mary A. Richards. Wife of
Wm Richards. Jane P. Sain. Wife of Andrew Sain. Eliza H.
Nantz Wife of Calvin Nantz. Mary L. Robinson Wife of
J³ Robinson & L. M. Smith. All of whom are of full age &
will reside in Gaston Co. except L. M. Smith who lives in
Pickens Co. Ga. & Jane P. Sain & husband who live in Lincoln Co.
are the parties entitled under Said Will to Said property.

(signed) John J. Smith

Sworn & subscribed before me.
This 11th day of Aug 1883
J³ White. Probate Judge