

filed their own complaint or petition and the defendants having failed to appear and answer said complaint and it being proven to the satisfaction of the Court that Richard Grant late of said County, made and executed a last will and testament in the month of November 1865 and the said will was duly and lawfully attested and published and that said Richard Grant died domiciled in the County of Greene on the 9th day of December 1865 and that his said will was duly proven by Joseph Furnage and Hardy Breck the subscribing witnesses thereto before the Clerk of the Superior Court of said County, and was duly admitted to probate sometime in the month of December 1865 and that Ann M Grant the executrix named in said will was duly appointed and qualified as executrix thereto and duly entered upon the discharge of the duties of said office and that said last will and testament was duly recorded in said office, and it further appearing to the satisfaction of the Court that said will and testament and the Record of wills of said Court was destroyed by fire, together with the Court house and other Records of the Court, on or about March 1876 and that there is no certified and duly attested copy of said will in existence and it further appearing to the satisfaction of the Court that said last will and testament of Richard Grant was in manner and form and in substance as set out in the complaint and petition herein. It is therefore considered, adjudged and decreed that the will as set out in the petition herein be recorded on the Record of Wills of said Court as the last will and testament of Richard Grant and the petitioners will pay the cost of this proceeding.

John R Daile
Clerk Superior Court

In the name of God amen. I James H Nemell of the County of Greene, and State of North Carolina being in health of body and of sound mind, do make this my last will and testament in manner and form following:-

I give, devise and bequeath unto my wife Elizabeth Nemell, all my property, real, personal, and mixed of what nature or kind soever, and wheresoever the same shall be at the time of my death; to have, to hold and to keep the same until her death, when to be divided equally among my children.

And I do nominate, constitute and appoint my said wife my sole executrix of this my last will and testament to execute according to the true intent and meaning of the same. And if it shall be deemed necessary or advisable to hold a sale of personal or other property I do hereby give and constitute the first Tuesday in January next following my death as the date of said sale, provided however, that if a reasonable length of time shall not intervene between the date of my death and the first Tuesday in January of the following year, the date of said sale shall be fixed for the first Tuesday of January of the year thereafter following.

In witness whereof I the said James H Nemell do hereunto set my hand and seal this 27th day of September 1901

James H Nemell (Seal)

Signed, declared and published by the said James H Nemell as and for his last will and testament in the presence of us who at his request and in his presence have subscribed our names as witnesses thereto

F. L. Carr
Chas R. Hays
over

State of North Carolina) In the Superior Court
Gruen County)

A paper purporting to be the last will and testament of James H. Merrill deceased is exhibited before me, the undersigned Clerk of the Superior Court for said County by S. E. Merrill the executor herein mentioned, and the due execution thereof by the said Jas H. Merrill by the oath and examination of F. L. Carr and Charles Harper the subscribing witnesses thereto: who being duly sworn each depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him purporting to be the last will and testament of Jas H. Merrill, that the said Jas H. Merrill 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 27th day of April 1901.

And the deponent further saith that the said Jas H. Merrill the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing 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 thereof, and at the request and in the presence of said testator.

And this deponent further saith, that at the same time when said testator subscribed his name to the said last will and testament, and at the time of the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Jas H. Merrill 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. And further that the deponent is a signat.

F. L. Carr
Surveyor sworn & subscribed } Charles Harper
this 10th day of January 1902

John R. Dail Clerk Superior Court.

North Carolina,) In the Superior Court
Gruen County)

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of James H. Merrill deceased.

And the said will together with the probate be recorded and filed

This 10th day of January 1902

John R. Dail
Clerk Superior Court

North Carolina)
Gruen County)

I, John S. Bryant of the County and State aforesaid being of sound mind, but considering the uncertainty of my life do make and declare this my last will and testament:-

First

My executors, hereinafter named shall give to my body a decent burial and pay all funeral expenses, together with all my just debts as hereinafter directed

Second

I, give and devise to my beloved wife Ida E. Bryant for the term of her natural life the following described real estate, Beginning at a cedar tree on Hog Creek Canal at the corner of the hog lot and rabbit patch near the mouth of a small ditch emptying into said Canal, and thence in a straight line in a southerly direction to a white oak with a bump at the bottom, on the hill side in peach orchard, thence in a straight line in a westerly direction to a large white oak near the hog house near the road leading across the said Canal to the cattle ground place, thence in a straight line in a westerly direction to a small persimmon tree marked a corner in the persimmon orchard near the watering hole, thence in a straight line in a southerly direction to a hickory tree near Simpson's house on the road leading to the North side and thence