

North Carolina }
Green County }

I, Mark Smith of the State of North Carolina and County of Green being of full body but sound mind but considering the uncertainty of my earthly existence, do make and declare this my last will and testament.

Item 1st My executor, hereinafter named shall give my body a decent burial suited to the wishes of my friends and relatives and pay all funeral expenses together with my just debts out of the first money which may come into his hands belonging to my estate.

Item 2^d I give and devise to my beloved wife Mary C. Smith during her natural life one hundred acres of land where I now live and described as follows, Viz: beginning at the fork of Button Branch and Harris' prong of Button branch and runs S. $30\frac{1}{2}^{\circ}$ E. 56 poles to a persimmon tree, thence S. $31\frac{1}{2}^{\circ}$ E. 56 poles to a persimmon tree, thence S. $42\frac{1}{2}^{\circ}$ E. 46 poles to a barpost, thence S. 22° E. $46\frac{1}{2}^{\circ}$ poles to a stake, thence S. $50\frac{1}{2}^{\circ}$ N. $65\frac{1}{2}^{\circ}$ E. $20\frac{1}{2}^{\circ}$ poles to a stake, thence S. $50\frac{1}{2}^{\circ}$ E. 70 poles to a stake Patrick Smith's corner, thence with his line S. 47° W. 28 poles, thence N. $40\frac{1}{2}^{\circ}$ W. 20 poles N. $11\frac{1}{2}^{\circ}$ $24\frac{1}{2}^{\circ}$ poles N. 33° W. $3\frac{1}{2}^{\circ}$ poles S. 70° W. 8 poles S. $28\frac{1}{2}^{\circ}$ W. $22\frac{1}{2}^{\circ}$ poles S. $70\frac{1}{2}^{\circ}$ W. $35\frac{1}{2}^{\circ}$ poles to the old gate thence with the Mark Smith Avenue S. $19\frac{1}{2}^{\circ}$ E. 29 poles, thence N. 70° E. 8 poles thence S. $19\frac{1}{2}^{\circ}$ E. 10 poles thence S. 70° W. 8 poles to the Avenue thence with the said Avenue S. $19\frac{1}{2}^{\circ}$ E. $7\frac{1}{2}^{\circ}$ poles thence N. $57\frac{1}{2}^{\circ}$ W. 80 poles to a stake in James W. Taylors line, thence with his line N. 36° E. 13 poles to a stake thence N. $29\frac{1}{2}^{\circ}$ W. 41 poles thence with Patrick Smith's line N. $59\frac{1}{2}^{\circ}$ E. 15 poles, thence N. 33° W. 98 poles, thence S. $66\frac{1}{2}^{\circ}$ W. 8 poles thence N. 54° W. 14 poles to the run of the South prong of Button branch called Harris' prong thence down the various courses of said prong to the beginning and at her death I desire that it be sold and the proceeds of such sale be equally divided between my daughters Martha J. Naughton wife of William Naughton, Nettie

Wells wife of Mark Wells, Stella Anderson wife of Perry Anderson and my grand daughter Love Seymour. I also desire should my, Stella Anderson die without a lawful heir of her body then her share to be equally divided between Martha J. Naughton, Nettie Wells and Love Seymour. Should Love Seymour die without a lawful heir of her body then her share to be equally divided between Martha J. Naughton and Nettie Wells. I further give to my wife Mary C. Smith one piece, her bed and bedsteads and furniture and all the bed clothing she now claims and one trunk she now claims, also three hundred dollars to be paid out of the sale of my personal property should there be enough on hand if not, then I desire that enough of the proceeds of a piece or parcel of land hereinafter mentioned and described to be sold be necessary to make up said three hundred dollars or so much of said remaining amount then due.

Item 3. My will and desire is that a piece of piney woods land be sold (if not sold before my death) the proceeds arising from such sale of land be applied to paying of my just debts after making up the deficiency of the three hundred dollars as mentioned in the foregoing item if there should be any. Said piney woods land lies on the North side of the Sherrill road adjoins the lands of W. S. Newsom's heirs, Sales Newsom's heirs and James W. Taylor beginning at Calhoun's corner thence with said Smiths line to James W. Taylor's line thence with ^{his line} Newsom's line to Newsom's corner on the road thence with W. S. Newsom's line and the said road to the beginning.

Item 4. I give and devise to my son Calhoun Smith one hundred acres of land where he now lives including the dwelling house and out houses beginning at the corner of the Piney wood tract (mentioned in item 3) in James W. Taylor's line thence with his line thence with his line down Button Branch to a small branch between Calhoun and where Henry Ayne lived, thence up said branch to the fork thence a Southward course

towards Kiler and Ed. S. Newcomer's corner on the road for enough to run out the quantity of acres, thence Eastward to the piney wood line, to him and his heirs forever, provided he pay his pro rata portion of my just debt.

Item 5.

I give and demise to my son Patrick Smith sixty (60) acres more or less where he now lives and claims. Said land adjoins James W. Taylor, H. H. Smith and H. D. Porter, also forty acres more or less of wood land lying between Mary C. Smith and the East way leading from public road at Mrs. E. Newcomer's store house towards H. H. Smith's, to him and his heirs forever, provided he pay his pro rata portion of my just debt.

Item 6.

I desire that the balance of my cleared land be rented out every year during my two daughters Mary Ann Smith and Sarah Ann Smith's life time the rents to be sold and the proceeds of such sale to be equally divided between my two daughters Mary Ann Smith and Sarah Ann Smith or as their afflictions, or circumstances in the judgment of their Guardian may demand and that if one of them should become more needy than the other she is to be provided for as her circumstances may demand and after their death the said land mentioned in this item is to be sold and the proceeds arising from such sale to be equally divided between my children Catharine Smith, Patrick Smith, Martha J. Vaughan, Nettie Wells, Stella Anderson and my grand daughter Lou Seymour and if my daughter Stella Anderson or my grand daughter Lou Seymour should either die or both of them die without a lawful heir of their body then their interest shall be equally divided between my other heirs, and I further desire that my daughter Nettie Wells shall pay one out of the proceeds she received of the sale of the

land to my daughter Martha J. Vaughan the sum of one hundred and twenty dollars and that her interest in said division shall be bought into Martha J. Vaughan for the said one hundred and twenty dollars.

Item 7.

I give and demise unto my daughter Martha J. Vaughan one hundred and twenty nine and one half acres of land it being a part of my wooden tract of land and described as follows. Beginning in the Snow Hill and La Grange road near the fork of the Newborn road thence a direct line with lot No 2 to a stake in M. C. Pater's line, thence with said Pater's line to the Snow Hill and La Grange road, thence with said road and James H. Wades line to the beginning to her and her heirs forever, provided she pay her pro rata portion of my lawful debt.

Item 8.

I give and demise unto my daughter Nettie Wells one hundred and forty five and one half acres of land it being a part of my wooden tract of land and described as follows beginning in the Snow Hill & La Grange road and runs N. 78 1/2 W. 112 poles to a stake thence S. 82 W. 312 poles to Jack hole, thence with the high water mark and Mrs. J. P. Newborn's line to a stake in M. C. Pater's line thence with said Pater's line to a light wood knot on the run of Skullitt Branch, thence up the run of said Skullitt Branch to a light wood knot on the north side of said run thence a direct line to light wood knot on the edge of the hill, corner of lot Nos 2 & 3 Stella Anderson's and Nettie Wells line to her and her heirs forever, provided she pay her pro rata portion of my lawful debt.

Item 9.

I give and demise unto my daughter Stella Anderson one hundred and thirty seven & one half acres of land it being a part of my wooden tract of land and described as follows. Beginning in the Snow Hill & La Grange road corner of lot Nos, thence a direct line to a stake in M. C. Pater's line, thence with said Pater's line and Skullitt Branch to a light wood knot on the north side of said

run, thence a direct line to a light wood
shut on the edge of the hill corner of lot
No 1-3. thence said line to Snowhill
and La Grange road, thence with said road
and Mrs W. L. Whittier and James H. Load's
line to the beginning, to her and her heirs
forever, but if she dies without a lawful
heir of her body then it is to be equally
divided between my daughters Martha
J. Vaughan, Nettie Wells, and grand daughter
Lou Seymour, provided she pays
her pro rata portion of my lawful debt.
I give and demise unto my grand
daughter Lou Seymour one hundred and
thirty seven and one half acres of land
it being a part of my Woodstock tract
of land (and described as follows - Be-
ginning at a stake in Mitchell's line and
runs with said line to a light wood knot
thence with said Mitchell's line to a stake
in James Bizzell's line, thence to a pine
stump, thence with Korneys & Bizzell's line
to a corner in Wm Johnson's & John Korneys
line, thence with said Johnson's line to
Bizzell's line and stake near the mill dam
thence with Bizzell's & Newborn's line to
corner in line of lot No 3 to the beginning
to her and her heirs forever, but if she
dies without a lawful heir of her body
then it is to be equally divided between
my daughters Martha J. Vaughan, Nettie
Wells and Stella Anderson provided
she pays her pro rata portion of my
lawful debt.

Item 11.

My will and desire is that my executor
shall sell that portion of my wooden
land hereinafter described and apply the
proceeds of such sale to the discharge of
my lawful debt, the said land lies on
the west side of the Grebbons road and
South west side of the Mark Smith Avenue
adjoining the lands of Mrs P. B. Newcome
James W. Taylor and the portion of land
I give unto my wife Mary C. Smith.

Item 12.

My will and desire is should my daughter Martha
J. Vaughan die without a lawful heir of her body
either child or grand child then that portion of my
property I have given unto her be equally divided
among all of my lawful heirs.

Item 13.

My will and desire is that should any one of
my heirs refuse to pay his or her pro rata
portion of my lawful debt then my ex-
ecutor shall take hold of the portion of
property I have given them and sell the
same or so much of it as will be
required and pay said pro rata portion
of said debt.

Item 14.

In this my last will and testament
I have tried to divide my property equally
among my children and grand child and
my desire is that after my executor has
applied all the money that may come
into his hands to discharging of my
debt that should there be any debt still
remaining due and unpaid say there
should be (for illustration) six hundred
dollars still unpaid my desire is that
my sons Calhoun Smith, Patrick Smith,
and my daughters Martha J. Vaughan,
Nettie Wells, Stella Anderson and my
grand daughter Lou Seymour shall pay
each one hundred dollars and should
there be more or less due each one
shall pay as stated above.

Item 15.

My will and desire is that my wife
Mary C. Smith and two sons Calhoun
Smith and Patrick Smith shall have the
right to dig coal on the tract of land
I have given for to be rented for my two
daughters Mary Ann Smith and Sarah
Ann Smith for their own use and on
their own land during my two daughters
life time but they shall not dig so as to
mess it up to destroy it.

Item 16.

My will and desire is that my wearing
clothes be divided between my two sons
Calhoun Smith and Patrick Smith.

Item 17.

If I have paid or will have to pay

Security money for any of my sons or sons in law then my desire is that it shall be deducted out of that portion of property I have given to them or their wives.

Apr 18.

I hereby appoint my trust friend George Smith as Guardian to and for my two daughters Mary Ann Smith and Sarah Ann Smith and my grand daughter Love Seymour. And lastly I do hereby appoint my trusty friend Joseph B. Frazer my executor to execute this my last will and testament to all intents and purposes to execute according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made. In witness whereof I the said Mark Smith do hereunto set my hand and seal. this 7th day of March A. D. 1892.

Mark Smith ⁱⁿ ~~Mark~~ read

Signed, sealed, published and declared by the said Mark Smith to be his last will and testament in the presence of us who at his request and in his presence do subscribe our names as witnesses, ~~thence~~

L. J. H. Newborn read
John M. Newborn read

North Carolina } In the Superior
Green County } Court -

It appearing to the Court by the oath and examination of L. J. H. Newborn and John M. Newborn the subscribing witnesses to the last will and testament of Mark Smith declared that the paper writing pro-

vided by the Executor therein named is the last will and testament of said Mark Smith and that the same was duly executed by said Mark Smith in the presence of said witnesses and that at the time of signing same the said Mark Smith was of sound mind. It is therefore adjudged that the said paper writing be admitted to probate as such will and that the executor therein named qualify as such.
This April 18th 1892.

John W. Bount.
Clerk Superior Court.

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Mark Smith ^{his} (Seal)
Mark

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L. J. H. Newborn (Seal)
John M. Newborn (Seal)

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This April 18th 1892.

John W. B. Hunt
Clerk Superior Court.