

this 2nd day of July 1854.

Subscribed in the
presence of
S. J. Sutton
Jerry Sutton
Josephus Landon

Ava Capell *(decd)*

Probate

State of North Carolina }
Lenoir County } In Superior Court.

In the matter of the last will of Ava Capell.
It appearing to the court by the oath and examination of S. J. Sutton and Jerry Sutton the subscribing witnesses thereto, that the paper writing propounded by the executor therein named, is the last will and testament of Ava Capell and that the same was duly executed by said Ava Capell in the presence of said witnesses and that at the time of signing the same the said Ava Capell was of sound mind. It is therefore adjudged that the said paper writing be admitted to probate as the last will and testament of the said Ava Capell and the executor therein named qualify as such.

This the 15th day of June 1857

E. W. Biggell
Clerk Superior Court

Recorded in the Office of the Superior Court clerk
of Lenoir County the 21st day of June 1857.
E. W. Biggell
Clerk Sup. Court.

State of North Carolina }
Lenoir County }

In the matter
of the last
Will and
Testament
of
A. H. Byrd

In the matter of
the will of
A. H. Byrd. }

To the Superior Court clerk of Lenoir County:
I hereby renounce my right to Letters Testamentary upon the estate of A. H. Byrd, decd, and respectfully decline to qualify as executor of the last will and Testament of said deceased.

Very respectfully,
J. M. Noble,

Kinston N. C.
Sept. 5. 1857.

In the matter of
estate of
A. H. Byrd decd.

To the Superior Court clerk of Lenoir County:
I hereby renounce my right to Letters of administration with the will annexed upon the estate of my deceased husband A. H. Byrd, and request you to appoint Jesse B. Erwin, as such administrator with the will annexed of said deceased, in my stead.
Witness
Respectfully
Mary Ann ^{his} Byrd _{mark}

Lenoir County:— In the Superior Court.
In the matter of the Administration }
of the estate of A. H. Byrd } E. W. Biggell cfe.

Jesse B. Erwin being sworn doth say: That A. H. Byrd, late of said County, is dead, leaving a last Will and Testament; and John M. Noble the executor therein named has renounced his office of executor in writing. The said Jesse B. Erwin therefore applies for Letters of Administration with the Will annexed on the estate of the said A. H. Byrd.

this 2nd day of July 1854.

Subscribed in the
presence of
S. J. Sutton
Jerry Sutton
Josephus Landon

Ava Capell *(seal)*

Probate

State of North Carolina }
Lenoir County } In Superior Court.

In the matter of the last will of Ava Capell.
It appearing to the court by the oath and examination
of S. J. Sutton and Jerry Sutton the subscribing witnesses
therein, that the paper writing purporting to be the
executor therein named, is the last will and testament
of Ava Capell and that the same was duly executed
by said Ava Capell in the presence of said witnesses
and that at the time of signing the same the said
Ava Capell was of sound mind. It is therefore
adjudged that the said paper writing be admitted to
probate as the last will and testament of the said
Ava Capell and the executor therein named qualify
as such.

This the 15th day of June 1857

E. W. Biggell
Clerk Superior Court

Recorded in the Office of the Superior Court clerk
of Lenoir County the 21st day of June 1857.
E. W. Biggell
clerk Sup. Court.

State of North Carolina }
Lenoir County }

In the matter
of the last
Will and
Testament
of
A. H. Byrd

In the matter of
the will of
A. H. Byrd. }

To the Superior Court clerk of Lenoir County:
I hereby renounce my right to Letters Testamentary
upon the estate of A. H. Byrd, dead, and respectfully
decline to qualify as executor of the last will and
Testament of said deceased.

Very respectfully,
J. M. Noble,

Kinston, N. C.
Sept. 5, 1857.

In the matter of
Estate of
A. H. Byrd dead.

To the Superior Court clerk of Lenoir County:
I hereby renounce my right to Letters of administra-
tion with the will annexed upon the estate of my
deceased husband A. H. Byrd, and request you to
appoint Jesse B. Ervin, as such administrator with
the will annexed of said deceased, in my stead.

Witness
My hand & seal
N. W. S. Hunter

Respectfully
Mary Ann Byrd
(seal)

Lenoir County:— In the Superior Court.

In the matter of the Administration } Before
of the estate of A. H. Byrd } E. W. Biggell cfe.

Jesse B. Ervin being sworn doth say: That A. H.
Byrd, late of said County, is dead, leaving a last Will
and Testament; and John M. Noble the executor
therein named has renounced his office of executor
in writing. The said Jesse B. Ervin therefore applies
for Letters of Administration with the Will annexed
on the estate of the said A. H. Byrd.

Further, that the value of said estate, so far as can be ascertained at the date of this application, is about \$400., and that Mary Ann Byrd, Lucie Ervin and July Ann Ervin are entitled as heirs and distributees thereof.

Jesse B. Ervin
Sworn and subscribed before me, this 5th day of September 1887.

E. M. Bizzell c.f.c.

Examination
of
Witnesses

State of North Carolina }
Lenoir County } ss. In the Superior Court.

A Paper purporting to be the last will and Testament of A. H. Byrd deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Jesse B. Ervin the Administrator with the Will annexed, and the due execution thereof by the said A. H. Byrd by the oath and examination of Wm B. Summ and Amos Stroud Jr. the subscribing witnesses thereto: who, being duly sworn, doth 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 A. H. Byrd; that the said A. H. Byrd, 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 1887.

And the deponent further saith, that the said A. H. Byrd 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 saith, that at the said time when the said testator subscribed his name to the said last Will as aforesaid, and at the time of deponent subscribing his name as an attesting witness

thereto, as aforesaid, the said A. H. Byrd 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 these deponents say not.

Wm B. Summ *sworn*
Amos Stroud Jr. *sworn*

Severally sworn and subscribed
this 13. day of September 1887.
before me. E. M. Bizzell
Clerk Superior Court

Oath

State of North Carolina }
Lenoir County } ss. In the Superior Court.

I, Jesse B. Ervin do solemnly swear (or affirm) that I believe this writing to be and contain the last Will and Testament of A. H. Byrd decd; and that I will well and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend, or the law will charge me; and that I will well and faithfully execute the office of an Administrator with the Will annexed, and according to law, so help me God.

Sworn and subscribed before me,
this 10th day of September 1887. } J. B. Ervin
E. M. Bizzell
Clerk Superior Court

Will

I, A. H. Byrd of the County of Lenoir and State of North Carolina being of sound mind and memory, but considering the uncertainty of my earthly existence, do make and publish this my last Will and Testament, in manner and form following viz:

It is my will and desire that my body be buried in a decent manner, suitable to the wish of my relations and friends, and my funeral expenses, together with all of my just debts I desire, and direct, to be paid by my Executor

Hereinafter named, out of the first moneys that may come into his hands as a part, or parcel of my estate

Item 1. I loan to my beloved wife all of my Real estate and its products, and personal property, during her natural life

Item 2. After the death of my wife I give devise and bequeath to my Grand daughter Loucrey Croix and her heirs and assigns in fee simple absolutely forever, the followings lands viz: Beginning at a Lightwood stake in the Big ditch (Beaver Dam) runs straight to the street gums at the Goat yard the same direction to the outside line near the Road, all on the South side of said line to have and to hold to their own use and behoof, one Bed Bedstead and furniture, the one that I claim as my own.

Item 3. After the death of my wife I give devise and bequeath to my daughter Julie An. Croix and her heirs and assigns in fee simple, all of my lands and personal property not mentioned in Item 2. If Loucrey Croix dies without heirs said property mentioned in Item 2. shall go to Item 3. Said Loucrey Croix shall not share in property mentioned in Item 3.

And lastly I hereby nominate constitute and appoint John Noble my lawful executor to all intent and purposes to execute this my last will and testament hereby declaring this and the only, to be and contain my last will and testament and declaring utterly void all other wills and testaments by me heretofore made.

In testimony whereof I hereunto set my hand and affix my seal. This 27 day April 1857.

A. H. Byrd

Signed sealed published and declared by A. H. Byrd to be his last will and testament, in the presence of us, who at his request and in his presence and in the presence of each other do subscribe our names as witnesses thereto.

Wm B. Shunn
Amos Stroud Jr

Probate of
Will

State of North Carolina }
Lenoir County } In Superior Court.

In the matter of the last will of A. H. Byrd. It appearing to the Court by the oath and examination of Wm B. Shunn and Amos Stroud Jr the subscribing witnesses thereto, that the paper writing propounded by the Administrator with the will annexed, is the last will and testament of A. H. Byrd and that the same was duly executed by said A. H. Byrd in the presence of said witnesses and that at the time of signing the same the said A. H. Byrd was of sound mind. It is thereupon adjudged that the said paper writing be admitted to probate as the last will and testament of the said A. H. Byrd, and the Administrator with the will annexed qualify as such.

This the 10th day of September 1857.

E. M. Bizzell

Clerk Superior Court

Recorded in the office of the Superior Court Clerk for Lenoir County this 20th day of September 1857.

E. M. Bizzell

Clerk Sup. Court

In the matter of
the last will &
Testament of
H. E. Hill
Application
of
H. A. Gray
for
Letters

State of North Carolina }
Lenoir County }

In the matter of the last will } Before E. M. Bizzell
of H. E. Hill } Clerk Superior Court

H. A. Gray being duly sworn, doth say: That H. E. Hill, late of said County, is dead, having first made and published his last will and Testament, and that the said H. A. Gray is the executor named therein. Further, that the property of the said H. E. Hill consisting of wearing apparel and personal effects is worth about \$300.00 so far as can be ascertained at the date of this application; and that H. A. Gray are the parties entitled under said will to the said property. Sworn to and subscribed before me the 20th day of October 1857. E. M. Bizzell
Clerk Superior Court

H. A. Gray