

County the 16th day of Dec., 1878.

*Wm. H. H. Huntley, Sec.
By Adm. Huntley, Sec.*

Alice Herring. } North Carolina, }
Lenoir County. } In Probate Court

In the matter of the will } Before Wm. H. H. Huntley,
of Alice Herring. } Judge of Probate.

Wiley Lowery being sworn, says:

That Alice Herring late of Lenoir County, is dead, having first made and published her last will & Testament, and that said Wiley Lowery is the executor therein named. Further, that the property of the said Alice Herring, consisting of a small lot in the town, or near, of Kinston is worth \$75.00 more or less, so far as can be ascertained at the date of this application, and that Maria Sampson, Sotonia and Mary Smith are the parties interested and entitled under said will to the property.

Sworn to and subscribed }
before me this day of } Wiley Lowery.
Dec., 1878. }

*Wm. H. H. Huntley,
Probate Judge.*

North Carolina, } In Probate Court
Lenoir County. }

A paper writing purporting to be the last Will and Testament of Alice Herring dec'd, is exhibited before me the undersigned, Judge of Probate for said County, by Wiley Lowery, the executor therein named, and the due execution thereof, by the said Alice Herring, by the oath and examination of Joshua Borden, one of the subscribing witnesses thereto, and the oath of Wiley Lowery, the executor therein named, and the oath of Wiley Lowery: who being duly sworn, doth depose and say, each for himself, Joshua Borden, one of the subscribing witnesses saith that the paper writing now shown him, purporting to be the last will and testament of Alice Herring, that the said

Alice Herring, in the presence of this deponent subscribed her name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 1st day of July, 1877.

And Wiley Lowery says he was present when said Alice Herring signed said last Will and Testament, and he, upon oath, says he believes said paper writing to be her last will and testament; and Joshua Borden, being sworn, says that he is acquainted with the handwriting of Charles A. Nelson one of the subscribing witnesses, and to the best of his knowledge & belief said signature is the genuine signature & writing of said Charles A. Nelson. And the deponent further says that the said Alice Herring, the testatrix aforesaid did at the time of subscribing her name as aforesaid, declare said paper writing as subscribed by her, and exhibited to be her 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 said testatrix. And these deponents further say, that at the said time when the said testatrix subscribed her name to the said last will as aforesaid, and at the time of the deponents Joshua Borden, subscribing his name as an attesting witness thereto, as aforesaid, the said Alice Herring 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, this deponent says not.

Sworn to and subscribed }
before me, December 21, 1878. }

*Wm. H. H. Huntley,
Probate Judge.*

Joshua Borden.
Wiley Lowery.

Lenoir County Probate Court. February 16, 1879.

On reading and considering the application of Wiley Lowery to admit a paper writing, purporting to be the last will and testament of Alice Herring, deceased, to probate, and to be qualified as executor thereof, according to the appointment thereby made, and having examined, on oath, Joshua Borden one of the subscribing witnesses thereto, as to the execution thereof: And having examined Joshua Borden as to the handwriting of Charles A. Nelson, the other subscribing witness to said will, thereby learning that it is the handwriting of said Charles A. Nelson. It is adjudged that the said paper writing, and every part thereof, is the last will and testament of said

Alice Herring, dec'd, and the same, as such, is ordered to be recorded and filed. And thereupon, the said Wiley Lowery, the executor aforesaid, comes forward and takes and subscribes the following oath:

State of North Carolina,

Lenoir County.) In the Probate Court.

I, Wiley Lowery, do solemnly swear that I believe this writing to be and contain the last will and testament of Alice Herring, deceased; and that I will well and truly execute the same by first paying her debts and then her 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 executor, agreeable to the trust and confidence reposed in me, and according to law, so help me God.

Sworn and subscribed before me, this 6th day of February, 1879.

W. H. Huntley,

Probate Judge.

whereupon Letters Testamentary are issued to the said Wiley Lowery, as Executor of the said last will and testament.

W. H. Huntley,
Probate Judge.

In the name of God, amen. I, Alice Herring 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 declare this my last will and testament, in manner and form following, to wit:

Item 1. I desire my executor (hereinafter named) to provide for my body a decent burial, suitable to the wishes of my relatives and friends, and pay all just debts howsoever and to whomsoever owing, and funeral expenses.

In order to do this, I desire him to sell all my personal property, with the exception of my bedclothing and my wearing apparel, those articles I give to my daughter, Maria Sampson and Batonia, and my granddaughter, Mary Smith to be equally divided between them.

Item 2. I desire my granddaughter, Mary Smith to have the use of my house and lot for one year, free of rent, and I wish her husband, Charles Smith, to dig a well on the

lot during that time. Then I wish the house and lot to be rented by my executor for the space of three years, the rent to be used to pay the taxes and make the necessary repairs.

At the end of that time, if all of my children who are now out of the state do not make their appearances, I desire that my house and lot shall be sold, and the money arising from such sale, any and all balance of rents, after paying taxes and repairs of house and lot, be equally divided between my daughter, Maria Sampson and my granddaughter, Mary Smith. But if my children who live out of the state do come within four years, then the money arising from the sale of said house and lot shall be divided between all my children that are in this state, with the exception of Batonia, and I desire that my granddaughter, Mary Smith, shall have the share of my daughter, Batonia.

Item 3. I give and bequeath to my daughter Batonia one dollar in cash, to be paid by my executor.

Lastly, I hereby constitute and appoint Wiley Lowery my executor, to execute this my last will and testament, hereby revoking, and declaring utterly void, all other wills and testaments by me heretofore made. Dated July 1, 1879.

Signed, sealed, published and declared by the said Alice Herring to be her last will and testament, in the presence of us, who, at her request, and in her presence and in the presence of each other, do subscribe our names as witnesses thereto.

Joshua Borden.
Charles A. Nelson.

The words "and funeral expenses" and "any and all balance of rents after paying taxes and repairs of house & lot" inserted before signing.

Witness:

Joshua Borden.
Charles A. Nelson.

Alice Herring,
mark

Recorded in the office of the Probate Judge and Superior Court Clerk of Lenoir County the 6th day of February, 1879.

W. H. Huntley,
Judge Clerk.

Joseph Waller.

Lenoir County, Probate Court
 In the matter of the will } Before W. H. Hunter,
 of Joseph Waller, decd } Probate Judge.

Haywood Waller, being duly sworn says:

That Joseph Waller, late of said County is dead, having first made and published his last will and testament, and that Haywood Waller is the executor therein named. Further, that the property of the said Joseph Waller consisting of house hold furniture and evidences of debt, worth about \$1800.00, as far as can be ascertained at the date of this application, and that Ann Waller Williams Waller, Rebecca Waller, Eloy E. Waller, Haywood Waller, Mary A. Hill, James Spence, and Susan Davis are the parties entitled under the said will to said property.

Sworn to and subscribed
 before me, Feb. 7, 1879.
 W. H. Hunter,
 Probate Judge.

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

A paper purporting to be the last will and testament of Joseph Waller, deceased, is exhibited before me the undersigned Judge of Probate for said county, by Haywood Waller, the executor therein named, and the due execution thereof by the said Joseph Waller, by the oath and examination of James Herring and Emma S. Spain, 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 Joseph Waller, that the said Joseph Waller, 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 May, 1878.

And the deponent further saith, that the said Joseph Waller, the testator aforesaid, did, at the time of subscribing his name, as aforesaid, declare the said paper writing as 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

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 the deponent's subscribing his name as an attesting witness thereto as aforesaid, the said Joseph Waller 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.

James Herring. (Seal)
 Emma S. Spain. (Seal)

(Married to J. H. Waller.)

Severally sworn and
 subscribed this 18th day
 of January, 1879, before me.
 W. H. Hunter,
 Probate Judge.

Lenoir County—Probate Court. February 7, 1879.

On reading and considering the application of Haywood Waller to admit a paper writing purporting to be the last will and testament of Joseph Waller, deceased, to probate, and to be qualified as executor thereof, according to the appointment thereby made and having examined on oath, James Herring and Emma S. Spain, the two subscribing witnesses thereto, as to the execution thereof: It is adjudged that the said paper writing and every part thereof, is the last will and testament of Joseph Waller, deceased, and the same as such is ordered to be recorded and filed. And thereupon, the said Haywood Waller, the executor aforesaid, comes forward and takes and subscribes the following oath:

State of North Carolina, } In the Probate Court.
 Lenoir County. }

I, Haywood Waller, do solemnly swear, that I believe this writing to be and contain the last will and testament of Joseph Waller, deceased, 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 will extend, or the law will charge me, and that I will well and faithfully execute the office of an executor, agreeable to the trust and confidence reposed in me, and according to law, as help me God.

Haywood Waller.

Sworn and subscribed
 before me, this 7th day
 of February, 1879.
 W. H. Hunter, Probate Judge.