

meaning of the same, and every part and clause thereof
verbally revolving and declaring utterly void all other wills
and Testaments by me heretofore made.

In witness whereof I the said John M. Davis, do
hereunto set my hand and seal this 9th day of July, 1857.

Signed, sealed, and published
and declared by the said John M.
Davis to be his last will and Testament, } John H. Morley (Seal)
in presence of us who at his request } C. A. Davis (Seal)
and in his presence do subscribe
our names as witnesses thereto.

Probate of Will
State of North Carolina
Lenoir County Superior Court

In the matter of the last will of John M. Davis,
It appearing to the Court by the oath and examination
of John H. Morley a subscribing witness and W. H. H. Hunter
who swear to the signature of the other witness (C. A. Davis) in
therein, that the paper writing propounded by the executor
therein named, is the last will and testament of
John M. Davis and that the same was duly executed
by said John M. Davis in the presence of said witnesses
and that at the time of signing the same the said
John M. Davis 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 John M. Davis and the
executor therein named qualify as such.

This the 19. day of February 1857

E. N. Biggell
Clerk Superior Court

Recorded in the office of the Superior Court
Clerk of Lenoir County, March 25. 1857
E. N. Biggell
Clerk

Ava Capell

State of North Carolina }
Lenoir County }

Application
of
Geo. L. Capell
for
Letters Testamentary

In the matter of the last will of } Refers E. N. Biggell
Ava Capell } Clerk Superior Court.

George L. Capell being duly sworn, doth say:
That Ava Capell, late of said County, is dead, having first
made and published her last will and testament; and that
he George L. Capell is the executor named therein.

Further, that the property of the said Ava Capell con-
sisting of personal property is worth about 1800-20. per
as can be ascertained at the date of this application; and
that Fannie H. Allen, Clarine Allen and George L. Capell
are the parties entitled under said will to the said property.
Known to and subscribed before me }
the 15th day of June 1857. } Geo. L. Capell

E. N. Biggell
Clerk Superior Court

Examination
of
Witnesses

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

A paper purporting to be the last will and testament
of Ava Capell deceased, is exhibited before me, the undersig-
ned, Clerk of the Superior Court for said County, by George L.
Capell the executor therein mentioned, and the due
execution thereof by the said Ava Capell by the oath
and examination of S. I. Sutton and Jerry Sutton, two
of 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 testa-
ment of Ava Capell; that the said Ava Capell, 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 2nd day of July, 1854.

And the deponent further saith, that the said Ava Capell
the testator aforesaid, did, at the time of subscribing her
name as aforesaid, declare the said paper-writing as sub-
scribed 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

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 her name to the said last Will as aforesaid, and at the time of deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Ava Capell 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.

Severally sworn and
Subscribed this 18th day of
June 1887. Before me
E. W. Biggell
Clerk Superior Court

S. S. Sutton (seal)
Jerry Sutton (seal)

Oath of
Executor

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

I George L. Capell do solemnly swear (or affirm) that I believe this writing to be and contain the last will and Testament of Ava Capell 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 according to the trust and confidence reposed in me, and according to law, so help me God.

Sworn and subscribed before me
this 18th day of June 1887.
E. W. Biggell
Clerk Superior Court } Geo. L. Capell

North Carolina }
Lenoir County }

In the name of God Amen.

I Ava Capell of the state and county above named of sound mind and disposing memory do hereby publish and declare this to be my last will and Testament.

Item first. I direct that my executor after my death shall

give my body a decent burial, and also that he shall pay all my just debts.

Item second. I give and bequeath to my daughter Fannie Allen three feather beds, and her set of furniture in her bed room.

Item third. I give and bequeath to my two sons Flavins Allen and George L. Capell five feather beds to be divided between them.

Item fourth. I give and bequeath to my son Flavins Allen one bedstead of modern style and to my son G. L. Capell I give one bedstead of modern style and also one bureau.

Item fifth. I give and bequeath to my three children Fannie Allen, Flavins Allen and George L. Capell the balance of my bedsteads and house hold and kitchen furniture, bed clothes &c to be equally divided between them.

Item sixth. I give to my son George L. Capell one bay horse named "Charlie" one sorrel mare named "Kat" and one cow named "Ly" and one calf.

Item seventh. I give the balance of my personal property including my cattle, hogs, horse & mules to my three children Fannie Allen, Flavins Allen and G. L. Capell to be equally divided between them.

Item eighth. I direct that all my wagons, carts and farming utensils shall be equally divided between my three children Fannie Allen, Flavins Allen and George L. Capell. I also direct that if at my death there shall be any growing crops that said crop shall be equally divided between my three children above named.

Item ninth. I direct that if there is any money on hand of the insurance on Mr. Capell's life after paying Flavins and Fannie Allen what my husband G. L. Capell owed them I give and bequeath the balance of said insurance money to my son G. L. Capell.

Item tenth. All property that I may have at my death that I have not disposed of above I give to my three children Fannie Allen, Flavins Allen and George L. Capell to be equally divided between them.

I hereby constitute and appoint my son G. L. Capell as executor to this my last will and Testament.

In witness whereof I set my hand and seal

this 2nd day of July 1854.

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

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 witness
therein, 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 administra-
tion 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 } Before
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.