

presence of us, who, at his request, and in his presence do subscribe our names as witnesses thereto.

J. E. Krumm.
J. Q. Jackson.

Probate.

State of North Carolina, } Superior Court,
Lenoir County. } May 9, 1885.

A paper writing purporting to be the last will and testament of Thomas A. Moore, deceased, is exhibited before me, the undersigned, Clerk of said Court, by Henry H. Moore, the Executor therein named; and the due execution thereof, by the said Thomas A. Moore, is proved by the oath and examination of J. E. Krumm and J. Q. Jackson, the subscribing witnesses thereto. It is, therefore, considered and adjudged that the said paper writing, and every part thereof is the last will and testament of the said Thomas A. Moore, dec'd, and the same, as such, is ordered to be recorded and filed. And thereupon the said Henry H. Moore, Executor, as aforesaid, duly qualifies as such according to law.

W. H. Dunn,
C. C. C.

Recorded in the office of the Clerk of the Superior Court of Lenoir County, the 11th day of May, 1885.
W. H. Dunn,
C. C. C.

Barney Stanly.

Lenoir County - Superior Court.

Sarah Moornis, B. E. Mitchell, Mary Mitchell,
J. I. Mitchell, P. H. Harrison, Luinda Harrison,
Winifred Litchworth, Ethelbredo & Mitchell,
James B. Kemby, J. P. Kemby & B. D. Mitchell,
Plaintiffs,

vs.

Loll Stroud, Jennie Stroud,
Owen Stroud & Sarah Stroud,
Defendants.

The plaintiffs, complaining, say:

1st. That the records of the Courts, both Superior, County, and of Equity of Lenoir County have been destroyed by fire.

2nd. That Barney Stanly died in Lenoir County in the year 1867, having first executed his last will and testament, which was duly submitted to probate in open Court before the County Court of Lenoir County, and adjudged to have been duly executed and ordered to be recorded.

3rd. That as they are informed and believe the said last will and testament of said Barney Stanly was in the following words, and figures -

I Barney Stanly, being of sound mind and disposing memory, and knowing the certainty of death, and the uncertainty of life, do make and declare this to be my last will and testament.

Item 1st. I give and bequeath unto my beloved wife Sarah Stanly all my personal property of every description, not hereafter disposed of.

Item 2nd. I lend to my daughter Jennie Stroud one negro woman named Cherry, and her increase during her natural life; at her decease to be equally divided among her children.

Item 3rd. I lend unto my daughter Sarah Stroud a negro woman ^{named} Rhoda, and her increase, during her natural life; at her decease to be equally divided among her children.

Item 4th. I lend to my wife Sarah Stanly during her lifetime my plantation in Greene County on a poor Marsh and at her death to Mary E. Mitchell, my daughter, during

her natural life, and at her death my will and desire is that it be divided equally among her children.

I am pre. I hereby constitute and appoint my beloved wife Sarah Stanly, Executrix of this my last will and testament.

In witness whereof I have hereunto set my hand and affixed my seal this

1863.

Barney Stanly (Seal)

Witness:

Calvin House

John Lea.

4th. That said last will and testament was duly submitted to offered for probate in open Court in the County Court of Lenoir County, at Term, 1867, by the testatrix named therein, to-wit: Sarah Stanly, which was adjudged to have been executed in due form, proper notice having been given to all parties interested, and the following certificate of probate, marked "A," attached thereto, and the same ordered to be recorded in the record of wills, and filed.

5th. That said last will and testament was duly recorded and filed.

6th. That the record of said probate and will have been destroyed by fire.

7th. That the defendants Jennie and Sarah Stroud are children of Barney Stanly and they have intermarried with the other defendants.

8th. That the plaintiffs are the children of Mary E. Mitchell, and the husband of said children.

9th. That the only children of Barney Stanly were the said Sarah Stroud, Jennie Stroud, and Mary E. Mitchell.

10th. That Sarah Stanly and Mary E. Mitchell are both dead;

Wherefore, the plaintiffs demand judgment that the above be set up as the last will and testament of Barney Stanly, and the probate and record thereof, to be and stand in lieu of said original will and probate, and record thereof, and for such other and further relief as this case may demand.

H. C. Munroe,
Atty. for Plffs.

B. P. Mitchell, one of the plaintiffs, being duly sworn, says that the above is the substance of the last will and testament.

as he is informed and believes, and that the above complaint is true of his own knowledge, except as to those matters stated on information and belief and as to that he believes it to be true.

B. P. Mitchell.

Done and subscribed
before me August 5, 1884.

H. H. Munroe, C. S. C.

"

Lenoir County Court,
Term, 1867.

The above paper writing purporting to be the last will and testament of Barney Stanly, having been presented in open Court, and offered for probate by Sarah Stanly, the Executrix named therein, and the due execution thereof having been proven by the subscribing witnesses thereto - Calvin House and John Lea - who says, each for himself, that he saw the testator (Barney Stanly) subscribe his name to said paper writing, and that he died in their presence, and declared the same to be his last will and testament, and that they subscribed their names thereto as witnesses at his request. It is considered, adjudged and decreed (all persons interested having been notified) that said last will and testament was executed in due form, and the same is hereby declared to be the last will and testament of Barney Stanly, deceased, and is hereby ordered to be recorded. Sarah Stanly, Executrix thereto, came forward, and was duly qualified.

Nico Hunted,
Clerk.

Recorded

Lenoir Superior Court.

Sarah Mooring
et. als.
vs.
Lott Strouds
et. als.

Defendants, for answer to the complaint of above parties, say,

That as to allegations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 are true to the best of their knowledge and belief.

H. J. Rasberry,
Atty.

Owen Throude, one of the defendants in said petition, being sworn, alleges that the same is true as to his own knowledge, and those otherwise stated he believes to be true.

Owen Throude.

Sworn and subscribed to
before me this August 5, 1884.
W. H. Hume,
C. S. C.

Lenoir County - Superior Court

Sarah Mooring et al.

vs.
Lott Throude et al.

This cause coming on to be heard, and the defendants having appeared by their Attorney, W. J. Raspberry, Esq., and filed an answer admitting the truth of the complaint; It is considered, adjudged, and decreed that the paper writing, a copy of which is set out in the complaint, is the last will and testament of Barney Stanley, as the same was proven and recorded as set out in the complaint, and that the original and record thereof has been destroyed by fire; and it is further considered, adjudged and decreed that the will, as set up in the complaint, be set up and declared to be the last will and testament of Barney Stanley, and it, together with these proceedings, are hereby ordered to be substituted in lieu of the original will, together with the probate and record thereof, with the same force and effect of the original last will and testament of said Barney Stanley, with the probate and the record thereof. It is further ordered that said will, as set out in the complaint and the probate thereof, together with these proceedings be recorded in the record of wills as the last will and testament of Barney Stanley.

August 5, 1884.

W. H. Hume, C. S. C.

Enrolled in the office of the Clerk of the Superior Court of Lenoir County, the 10th day of June, 1885.

W. H. Hume, C. S. C.
W. H. Hume, C. S. C.

North Carolina, } Superior Court,
Lenoir County. } May 5th, 1885.

In the matter of the last
Will and Testament
of
John H. Pebles, dec'd. } Affidavit.

N. E. A. Pebles, being duly sworn, deposes and says:

- 1 That John H. Pebles died in the County of Lenoir on the 27th day of October, 1864, after having duly executed and published his last will and testament.
- 2 That the said will and testament was duly probated and recorded according to law in the said County of Lenoir.
- 3 That the original and record of said Will and Testament were destroyed by fire in some of the recent burnings of the records of said County.
- 4 That this affiant has no certified copy of said Will and Testament nor has any one else to her knowledge.
- 5 That the paper writing hereto attached, marked "A", is an exact copy of the said Will and Testament of the said John H. Pebles, dec'd, which this affiant desires to make a part of this affidavit.
- 6 That this affiant, Ann C. Pranks, wife of W. H. Pranks, Henry C. V. Pebles, Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman are the persons interested in the said Will and testament and the record thereof.
- 7 That Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman, are the children of Elizabeth H. Coleman, dec'd, wife of W. A. Coleman, and are all now living in Kingston, Lenoir County.
- 8 That she desires to have the said Will and Testament of the said John H. Pebles, dec'd, set up and recorded and to that end asks the Court to issue notices to all persons interested in said will and testament, and the record thereof, viz.: W. H. Pranks and wife Ann C., Henry C. V. Pebles, Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, Irene S. Coleman, and William A. Coleman to show cause why said Will and Testament should not be set up and recorded in accordance with Chapter 328, Laws of the General Assembly of North Carolina, 1881.

Sworn to and subscribed