

for himself deposeth and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Chelly Warters, that the said Chelly Warters 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 9th day of Dec, 1878. And the deponent further saith, that the said Chelly Warters, the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare the 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 this deponent further saith, 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 deponent subscribing his name as an attesting witness thereto, as aforesaid, the said Chelly Warters 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 11th day of
March, 1879, before me,
Wm. H. H. Hunted,
Probate Judge.

Jas. M. Hines Jr. (Seal)
John W. Warters (Seal)

Lenoir County: Probate Court March 11, 1879.

On reading and considering the application of Franklin Hail to admit a paper writing purporting to be the last will and testament of Chelly Warters, deceased, to probate, and to be qualified as executor thereof, according to the appointment thereby made, and having examined on oath, Jas. M. Hines Jr. and John W. Warters, the 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 the said Chelly Warters, dec'd, and the same, as such, is ordered to be recorded and filed. And thereupon the said Franklin Hail, the executor aforesaid, comes forward and takes and subscribes the following oath:

North Carolina,
Lenoir County.

I, Franklin Hail, do solemnly swear that I believe this writing to be and contain the last will and testament of Chelly Warters, 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 Executor, agreeably to the trust and confidence reposed in me, and according to law, as help me God.

Sworn to and subscribed
before me, March 11, 1879.

Wm. H. H. Hunted,

c. f. c.

whereupon, letters testamentary are issued to the said Franklin Hail as Executor of the said last will and testament.

Wm. H. H. Hunted,
Probate Judge.

I, Chelly Warters of the County of Lenoir and state of North Carolina being of sound mind but considering the uncertainty of my earthly existence do make and declare this my last will and testament in manner and form following, viz: First that my executor hereinafter named shall provide for my body a decent burial suitable to the wishes of my relations and friends and pay all funeral expenses together with my just debts out of the monies that may first come into his hands as a part or parcel of my estate.

Item I give and bequeath the whole of my property, both real and personal including all my property of every description to the following relation and friends, viz: the estate of Alexander Wilson dec. one note the principal being five hundred dollars which I hold against the said estate the balance one half to be equal divided between Sally H. Brantly and the lawful heirs of her body to be paid to them as they become twenty-one years old by my executor, or to their guardian, the remaining half to be equally divided between Polly Hail, Franklin Hail, Bettie J. House and Thomas P. Hail. To them their heirs executors administrators and assigns forever.

And lastly I do hereby constitute and appoint my friend and relation Franklin Hail my lawful executor to all intents and purposes to execute this my last will and testa-

ment according to the true intent and meaning of the same and every part and clause thereof, hereby, re-
voking and declaring utterly void all other wills and
testaments by me heretofore made.

In witness whereof I the said Chelly, Warters do here-
unto set my hand and seal, this the 1st day of June, 1878.
Signed sealed published
and declared by the said
Chelly Warters to be her
last will and testament
in the presence of us who
at her request and in her
presence do subscribe our
names as witnesses thereto.

Jas. M. Hines Sr.
John W. Warters.

Codicil:

I, Chelly, Warters do make and ordain as a Codicil
to my last Will and testament above set forth, that
having surrendered the note referred to in my will as
aforesaid for five hundred dollars due the estate of
Alexander Wilson, it is my will and desire if the heirs
of the said Alexander Wilson shall annually pay to me
during my life time, the interest at six per centum per
annum on the sum of four hundred eighty two &
50/100 dollars, (\$482.50) then the said heirs of Alexander
Wilson, will not be required to pay the principal to
my heirs or to my executor after my death.

In witness whereof, I the said Chelly, Warters do here-
unto set my hand and seal, this the 9th day of Decem-
ber, A. D. 1878.

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

Acknowledged.

Jas. M. Hines, Sr.
John W. Warters.

Chelly Warters. *(Seal)*
mark.

Recorded in the office of the Probate Judge and Superior Court
Clerk of Lenoir County, the 11th day of March, 1879.

W. H. H. Hunter,
Judge Clerk.

Charlotte Harper.

Lenoir County: In the Probate Court.

In the matter of the Probate
of the will of Charlotte E. Harper. }

J. W. Harper respectfully sheweth

1 That Charlotte E. Harper of Lenoir County died on the
9th day of June A. D. 1879, leaving a last Will and Testament
which your petitioner now presents for probate.

2 That J. W. Harper is named in said will as sole Executor
thereof.

3 That the following is the nature and value of said testator's
property, as near as can be ascertained - viz Household
and kitchen furniture - \$300 - one horse and buggy \$75 -
cattle, hogs and farming implements of \$60 - interest in crop
and rents of \$150 - five promissory notes made by John L. Har-
per, one for eight bales of cotton due Jan. 1st 1877.
one for ten " " " " " " 1878.

" " " " " " " " 1879

" " " " " " " " 1880

" " " " " " " " 1881

worth about \$1500.

4 That the following are the names and residences of the
parties entitled to the testator's property - Mary E. Rouse,
La Grange, N. C. J. F. Harper Goldsboro, N. C. Prais S. Hodges,
Telling Creek, N. C. M. E. Mosely, Kinston, N. C. J. W. Harper,
Kinston, N. C. H. L. Wooten, La Grange, N. C. J. F. Harper, Kins-
ton, N. C. Lula Harper, Lenoir County, N. C. Edgar Harper Lenoir
County, and J. M. Harper, Lenoir County. That the last
three parties are minors without guardian.

Wherefore your petitioner prays that said will may be
admitted to probate, and letters testamentary granted
sworn to and subscribed before

me, June 13, 1879.

W. H. H. Hunter, Probate Judge.

J. W. Harper.