

deceased child or children.

I hereby appoint and constitute my beloved husband George H. Bagby, of the said County and State, my lawful Executor to all intents and purposes to execute this my last will and Testament, according to the true intent and meaning of the same, and every part and clause thereof hereby revoking and declaring utterly void all other wills and Testaments by me heretofore made.

In witness whereof, I said Helen M. Bagby do hereunto set my hand and seal this 28th day of September, 1880.

(Signed) Helen M. Bagby (Seal)

Signed, sealed and delivered  
in presence of us witnesses  
day and date before written  
(Signed) M. H. Hunn  
J. S. Chadwick

Your petitioners further show that in and by said will it appears that George H. Bagby was duly appointed executor to said last will of which the above is a true copy, as in it doth likewise appear that the said petitioners, Walter Kestudo, and Charles Bagby are devisees in said will and are interested in having the same duly probated as required by law.

Wherefore your petitioners ask the Court to cause a notice to issue to the said George H. Bagby, with a copy of this petition, executor said last will and testament, to appear before the Court at such time, as to the Court may seem proper to show cause why said will shall not be admitted to probate in due form of law in due form of law, and to qualify as Executor thereof or renounced before said Court his right and authority to do so in order that said will may not only be proved but some discreet person be appointed administrator with the will annexed agreeable to law, and in duty bound your petitioners will ever pray.

Horton & Gay,  
Attys. for Petitioners.

Cynthia Hunn being sworn says that the facts set forth in the above petition are true; those set forth on information

she believes to be true.

Cynthia Hunn.

Sworn to and subscribed  
before me June 9, 1881.  
W. H. Hunter, Jr.,  
By Ida Hunter, D.C.

Sherriff's Return "Received June 9th, 1881. Served June 13th, 1881 by delivering a copy of this Petition to G. H. Bagby, Jas. H. Davis, Sherriff."

Noted.

Louis County Probate Court,  
June 9, 1881.

To Geo. H. Bagby:

You will please take notice that you are required to appear before me, W. H. Hunter, Probate Judge, on the 16th day of June, 1881, and show cause why the last will and testament of Helen M. Bagby, dated Sept. 28, 1880, shall not be admitted to probate; and, at the same time, to qualify as Executor, or to renounce, or to show any other cause you may think proper why said will not be admitted to probate. A petition filed before me asking that said will shall be admitted to probate is herewith affixed to this notice.

L. J.

W. H. Hunter,  
Probate Judge.

Sherriff's Return "Received June 13th, 1881. Served June 13th, 1881, by delivering a copy of this notice to G. H. Bagby, Jas. H. Davis, Sherriff."

Carroll.

To the Judge of Probate of Louis County, North Carolina,  
In the matter of Cynthia Hunn versus  
in the Probate Court of Louis County for  
the probate of a paper purporting to be  
the last will and testament of Helen  
M. Bagby, dec'd.

In the above matter, pending in said Court of Probate for Louis County, George H. Bagby, whose interests in the estate of the said Helen M. Bagby, comes into Court by his attorney M. S. Faircloth and enters a caveat to the probate of the said paper writing to be the last will and testament of said Helen M. Bagby, a copy of which is herewith filed and says that the same is not the last will and testament

deceased child or children.

I hereby appoint and constitute my beloved husband George H. Bagby, of the said County and State, my lawful Executor to all intents and purposes to execute this my last will and Testament, according to the true intent and meaning of the same, and every part and clause thereof hereby revoking and declaring utterly void all other wills and Testaments by me heretofore made.

In witness whereof, I said Helen M. Bagby do hereunto set my hand and seal this 28th day of September, 1850.

(Signed) Helen M. Bagby *Handwritten signature*

Signed, sealed and delivered  
in presence of us witnesses  
day and date before written  
(Signed) M. H. Hunt  
J. A. Chadwick

Your petitioners further show that in and by said will it appears that George H. Bagby was duly appointed executor to said last will of which the above is a true copy, and it doth likewise appear that the said petitioners, Walter, Gertrude, and Charles Bagby are devisees in said will and are interested in having the same duly probated as required by law.

Wherefore your petitioners ask the Court to cause a notice to issue to the said George H. Bagby, with a copy of this petition, executor said last will and testament, to appear before the Court at such time, as to the Court may seem proper to show cause why said will shall not be admitted to probate in due form of law in and form of law, and to qualify as Executor thereof or renounced before said Court his right and authority to do so in order that said will may not only be proved, but some discreet person can be appointed administrator with the will annexed agreeable to law, and in duty bound your petitioners will ever pray.

Wooten & Gray,  
Attys. for Petitioners.

Lynetha Hunt being sworn says that that the facts set forth in the above petition are true; does set forth on information

she believes to be true.

Lynetha Hunt.

Sworn to and subscribed  
before me June 9, 1851.  
W. H. Hunt, Jc.,  
By J. A. Hunter, D.C.

Sheriff's Return

\* Received June 13th, 1851, Served June 13th, 1851 by delivering a copy of this Petition to G. H. Bagby, Jas. H. Davis, Sheriff.

Notice.

Louis County, Probate Court,  
June 2, 1851.

To Geo. H. Bagby:

You will please take notice that you are required to appear before me, W. H. Hunt, Probate Judge, on the 16th day of June, 1851, and show cause why the last will and testament of Helen M. Bagby, dated Sept. 28, 1850, shall not be admitted to probate, and, at the same time, to qualify as Executor, or to renounce, or to show any other cause you may think proper why said will not be admitted to probate. A petition filed before me asking that said will shall be admitted to probate is herewith affixed to this notice.

L. J.

W. H. Hunt,  
Probate Judge.

Sheriff's Return

\* Received June 13th, 1851. Served June 13th, 1851, by delivering a copy of this notice to G. H. Bagby, Jas. H. Davis, Sheriff.

Carreat.

To the Judge of Probate of Louis County, North Carolina.  
In the matter of Lynetha Hunt versus  
in the Probate Court of Louis County for  
the probate of a paper purporting to be  
the last will and testament of Helen  
M. Bagby, dec'd.

In the above matter, pending in said Court of Probate for Louis County, George H. Bagby, who is interested in the estate of the said Helen M. Bagby, comes into Court by his attorney M. D. Faircloth and enters a carreat to the probate of the said paper writing to be the last will and testament of said H. M. Bagby, a copy of which is herewith filed and says that the same is not the last will and testament



of the said Helen M. Bagby or any part thereof.  
This June 14th, 1851.

H. D. Faircloth,  
Atty. for Caveator.

North Carolina, Lenoir Co.

Lynethia Dunn & Lynethia Dunn,  
next friends and grand mother of  
Halter, Gertrude, and Charley Bagby,  
minor heirs of Helen M. Bagby, dec'd,  
Do the Court.

Notice

At G. H. Bagby:

Take notice that on the 12th day of July, 1851, at the residence of A. Trice in the town of Winston, the County of Lenoir and State of North Carolina, the plaintiffs in the above entitled cause, will take the depositions of Lynethia Dunn to be read in evidence for the plaintiffs on trial for a suit now pending in <sup>the Superior Court of</sup> Lenoir County, N. C., in the matter of probating the will of <sup>and testament</sup> Helen M. Bagby, dec'd, in which you are a party thereto.

Wooten & Gray,  
Atty's for Plaintiffs.

Shff's Return.

" Rec'd July 9th, 1851. Served July 9th, 1851 - 8:38 o'clock P.M. by reading to Dr. G. H. Bagby and leaving a copy of this notice with him.  
Julius D. Jones, Shff.

Bond

The undersigned, G. H. Bagby, as principal and H. O. Hyatt as surety acknowledge themselves indebted to the petitioners, Lynethia Dunn, Walter Bagby, Gertrude Bagby and Charley Bagby in the sum of Two Hundred Dollars to be void in case that said G. H. Bagby shall pay to the said petitioners all the costs that may be adjudged against him as caveator in the matter of Lynethia Dunn and others, the proponders of a paper writing purporting to be the last will and testament of Helen M. Bagby, dec'd, by reason of his failure to prosecute his suit with effect.

This June 15th, 1851.

G. H. Bagby  
H. O. Hyatt

Lenoir County: Superior Court,  
July 14, 1851.

Personally appeared before me, Clerk of said Court, H. O. Hyatt, who, being by me, duly sworn, says: that over and above his exemptions by law in debtors and liabilities he is worth the amount of the foregoing bond to-wit: the sum of Two Hundred Dollars.

H. O. Hyatt.

Sworn to and subscribed  
before me day and date  
above.

H. H. Hunter,  
cfc.

Affidavit of  
G. H. Bagby  
for Removals  
of Case.

Lynethia Dunn vs.  
G. H. Bagby et al.

Superior Court, Special Term,  
1852, Jan. 23, Lenoir County

The defendant G. H. Bagby in the above entitled action make oath and says:

That the issue in said action is one of devisavit vel non as to the paper writing propounded signed by this defendant's deceased wife. That the plaintiff Lynethia Dunn is the mother of his said wife and the subscribing witnesses to said paper are two children of said Lynethia's.

That said Lynethia's children have married into other influential families of this County, and the family of which the said Lynethia is now the oldest member, is large and influential in said County. That since this controversy has arisen said Lynethia Dunn has been diligent in talking with different persons and in going to the houses of different persons in the County and in stating to them her view of the case and in making to them a partial statement of the facts and misrepresenting the circumstances attending the execution of said paper writing and misrepresenting the acts and conduct of this defendant touching the matter in controversy. That one of the subscribing witnesses to said paper is popular and influential in said County having for many years represented it in the State Legislature and is such a representative as this affiant is informed and believes is quietly and ingeniously making

of the said Helen M. Bagby or any part thereof.  
This June 14th, 1851.

H. D. Faircloth,  
Atty. for caveator.

North Carolina, Lenoir Co.

Lynethia Ann & Lynethia Ann,  
next friends and grand mother of  
Halter, Leotrude, and Charley Bagby,  
minor heirs of Helen M. Bagby, dec'd,  
Do the Court.

Notice

Mr. G. K. Bagby:

Take notice that on the 14th day of July, 1851, at the residence of A. Trice in the town of Louiston, the County of Lenoir and State of North Carolina, the plaintiff in the above entitled cause, will take the depositions of Lynethia Ann to be ready in evidence for the plaintiff on trial for a suit now pending in <sup>the Superior Court of</sup> Lenoir County, N. C., in the matter of probating the will of <sup>and testament</sup> Helen M. Bagby, dec'd, in which you are a party thereto.

Wooten & Gray,  
Atty. for Plaintiffs.

Shiff's Return.

" Served July 9th, 1851. Served July 9th, 1851 - 8:35 o'clock P.M. by reading to Mr. G. K. Bagby and leaving a copy of this notice with him.  
Julius B. Jones, Shiff.

Bond

The undersigned, G. K. Bagby, as principal and H. D. Hyatt as surety acknowledge themselves indebted to the petitioners, Lynethia Ann, Halter Bagby, Leotrude Bagby and Charley Bagby in the sum of Two Hundred Dollars to be void in case that said G. K. Bagby shall pay to the said petitioners all the costs that may be adjudged against him as caveator in the matter of Lynethia Ann and others, the proponders of a paper writing purporting to be the last will and testament of Helen M. Bagby, dec'd, by reason of his failure to prosecute his suit with effect.

This June 15th, 1851.

G. K. Bagby  
H. D. Hyatt

Lenoir County: Superior Court,  
July 14, 1851.

Personally appeared before me, Clerk of said Court, Mr. H. O. Hyatt, who, being by me, duly sworn, says: that over and above his exemptions by law in debtors and liabilities he is worth the amount of the foregoing bond to-wit: the sum of Two Hundred Dollars.

H. O. Hyatt.

Sworn to and subscribed  
before me day and date  
above.

H. H. Hunter,  
cfc.

Affidavit of  
G. K. Bagby  
for Removal  
of Case.

Lynethia Ann vs.  
G. K. Bagby et al.

Superior Court, Special Term,  
1852, Jan. 20, Lenoir County

The defendant G. K. Bagby in the above entitled action maketh oath and says:

That the issue in said action is one of devisavit vel non as to the paper writing propounded signed by this defendant's deceased wife. That the plaintiff, Lynethia Ann is the mother of his said wife and the subscribing witnesses to said paper are two children of said Lynethia's.

That said Lynethia's children have married into other influential families of this County, and the family of which the said Lynethia is now the eldest member, is large and influential in said County. That since this controversy has arisen said Lynethia Ann has been diligent in talking with different persons and in going to the houses of different persons in the County and in stating to them her view of the case and in making to them a partial statement of the facts and misrepresenting the circumstances attending the execution of said paper writing and misrepresenting the acts and conduct of this defendant touching the matter in controversy. That one of the subscribing witnesses to said paper is popular and influential in said County having for many years represented it in the State Legislature and is still such representative as this affiant is informed and believes is quietly and ingenuously making



representations in regard to the facts and circumstances above referred to, prejudicial to the rights of this affiant in the matter; that he has in this and other ways with leading citizens created a prejudice in this County against this defendant and against his rights in regard to the matter in controversy. That other relations of the said Cynthia are active in presenting the facts and circumstances aforesaid to the people of the County in the manner above set forth that the above means and others, as he believes, has created a prejudice in the public mind against this affiant, who is not a resident of this County, who has cultivated a sentiment in the public mind contrary to the true merits of the question, and this affiant does not believe that he can have an impartial hearing in the above question in this County, and he prays for its removal to another County as he is advised to do by good citizens and his counsel. That he does not believe that he can have an impartial trial in this County, and this affidavit is made for the reasons above stated and not for delay.

G. H. Bagby,

Sworn to before me and  
subscribed Jan. 31, 1882  
W. H. T. Hunter, Jfs.  
By Kinney, D.C.

Affidavit of  
Cynthia Dunn

North Carolina, } Superior Court,  
Lenoir County. } Special Term, 1882.

Cynthia Dunn et al }  
vs }  
G. H. Bagby, Afft.

Cynthia Dunn, plaintiff being sworn says in answer to defendant's affidavit

That Helen M. Bagby, the late wife of G. H. Bagby, left in her possession a paper writing purporting to be the last will and Testament of said Helen M. Bagby dec'd, and in said will and Testament she said Helen M. Bagby devised certain property therein mentioned to her children, and on the day of \_\_\_\_\_, 1881, this affiant, as the next friends of Walter, Gertrude,

and Charles Bagby, the living children of said Helen M. Bagby dec'd, filed proceedings in the Probate Court of Lenoir County, to have said last will and Testament probated in due form.

21 That this affiant has no interest in the probate of said paper writing except to secure the rights of her grand children Walter, Gertrude and Charles Bagby, that she is not a devisee or legatee in said will

3 That this affiant denies that since this controversy that she has been diligent in talking with different persons and in going to the houses of different persons in the County and in stating to them her view of the case and in making to them a partial statement of the facts and misrepresenting the circumstances attending the execution of said paper writing and misrepresenting the acts and conduct of the defendant touching the matter in controversy.

Upon the other hand she has been quite sick and generally in very feeble health since said controversy and has visited but very few persons except her immediate family. That she has never in her life said anything that would in the least impair the character of G. H. Bagby. That she lives about 3 miles from the town of Kingston, and that she has not visited any part of the County except Kingston and that among her family as above set forth, with exception probably of her daughter Mrs. Bountree who lives about one mile from her home.

4 That she is informed by her counsel that she is an important witness in the controversy, that she is now about 75 years old, in feeble health, and is not able to ride a long distance to the trial in cases caused without endangering her life; that she has not the means to prosecute and pay the witnesses in said controversy if removed to other County.

5 That G. H. Bagby has been a resident of this County about 15 years, and this affiant believes that the public is not prejudiced against, and that he could have as fair and impartial trial as he could in any County.

6 That this affiant further says that if any of her relations and friends are active in talking and presenting the facts and circumstances mentioned in defendant's affidavit, they are doing so without her knowledge or consent, and upon belief she says that no such relations

and friends are saying or doing anything that would prejudice the defendant in having a fair and impartial trial. That she is informed that H. K. Bagby left the County about 4 or 5 weeks.

Lynethia Hume.

Sworn to and subscribed  
before me this Feb. 1, 1882  
W. H. H. Hunter, C. J.  
By Grimsley, D. C.

Affidavit of  
H. H. Hume.

North Carolina, } Superior Court,  
Lenoir County. } Special Term, 1882.

H. H. Hume being duly sworn says:

1 That he denies that he is quietly and ingeniously making representations in regard to the facts and circumstances referred to by the defendant prejudicial to the rights of said Bagby in the matter touching the controversy. That he has not in any way attempted, with any citizen of the County, to create a prejudice against defendant's rights in regard to the matter in controversy.

2 That this affiant is a witness to the paper writing referred to by deft. but he has no pecuniary interest in said will - is not devised or legatee.

3 That he has no knowledge of ever mentioning to any person about the matter, facts and circumstances in said controversy except when asked by some one: that this affiant principally has only conversed with the counsel for H. K. and with the family. As to misrepresenting H. K. Bagby in the matter he denies.

4 That from what this affiant knows of the people of this County he believes H. K. Bagby could get as fair and impartial trial as in any county in the State.

H. H. Hume

Sworn to and subscribed  
before me Feb. 1st 1882  
W. H. H. Hunter, C. J.  
By Grimsley, D. C.

Order of Removal  
to  
Greene County.

Lynethia Hume et al  
vs.  
H. K. Bagby.

Lenoir County,  
Special Term, Jan. 23, 1882

In the above action on motion of the defendant this cause is removed to the County of Greene for trial and is set for hearing on Thursday of the next regular term of the Superior Court. It is further ordered by consent that either party may take depositions on five days notice to the other party before J. L. Jackson as Commissioner.

M. L. Cure,  
Judge Presiding.

Jury and their  
Verdict in  
Greene County  
and Judgment  
of the Court.

North Carolina - Greene County.  
Superior Court - Spring Term, 1882.

Lynethia Hume et al  
vs.  
Geo. H. Bagby.

Transcript of Judgment.

This cause come on to be heard upon the Transcript of record from the Superior Court of Lenoir County; and the following jury being sworn and empaneled to try the issues in said cause, viz:

John Fogg, Mr. M. S. Randolph,  
J. Daniel, Jas. B. Jones,  
Charles Bowens, Frank Harrell,  
John P. White, H. C. Daib,  
John H. Grimsley, Owen Sylvant,  
M. A. Pate, and James C. Potter,

who for their verdict say they find all issues in favor of the plaintiff.

In this case the jury having found that the paper writing mentioned in the pleadings is the last will and testament of Helen M. Bagby, deceased, it is ordered that the same with a transcript of the proceedings be certified to the Superior Court of Lenoir County, from which the said issue was removed for trial, to the end that a proceeding is run to the Probate Court of said County of Lenoir to proceed in the matter of said will according to law. It is adjudged that the proponent recover of the Caveator, Geo. H. Bagby, and his surety, H. O. Hyatt their costs and disbursements herein incurred, to-wit: the sum of \$120.00 and let.



execution issued therefor

(L. S.)

A true copy.

Test: J. M. Patrick, Clerk.

Judgment,  
Spring Term, 1883,  
Lous. Sup.  
Superior Court.

Cynthia Ann }  
vs. }  
H. K. Bagby. }  
Lous. Superior Court,  
Reversit vel non.  
Judgment at Spring Term, 1883.

In this case it having been certified to this Court from the Superior Court of Greene County to which the issue in this case was removed for trial, that the paper writing as set forth in the proceedings and record therein and every part thereof was the last will and testament of Helen M. Bagby, dec'd; it is now ordered by the Court here that the matter be certified to the Probate Court of Lous. in order that the said Probate Court may proceed, <sup>to admit</sup> said paper writing to probate and to take such other and further proceedings therein as the law directs.

Almond A. McKoy,  
Judge Presiding.

Helen M. Bagby  
-  
Will.

I, Helen M. Bagby of the County of Lous. 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 that is to say:

First. That my hereinafter named executor shall provide for my body a decent burial suitable to the wishes of my relatives and friends and pay all funeral expenses together with my just debts howsoever and to whomsoever owing out of the money that may first come into his hands as a part or parcel of my estate.

Second that it is my will and desire that all my property of every description shall at my death belong to my children who may then be living. It is further my will and desire that a proper judicial tribunal shall appoint a good and discreet person, who shall hold said property in trust for the benefit of said children, and that the proceeds therefrom

shall be expended only for their maintenance and education and it is further my will and desire that each child on arriving at the age of twenty-one years or shall marry shall be entitled to draw out from the common stock his or her equal share said share to be his or her's in fee simple. It is further my will and desire that should any of said children die before they are twenty-one years of age or marry, then and in that case the survivors shall inherit the share of said deceased child or children.

I hereby appoint and constitute my beloved husband George H. Bagby of the aforesaid County and State my lawful executor to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof I, said Helen M. Bagby, do hereunto set my hand and seal this 15th day of September one thousand eight hundred and eighty.  
Helen M. Bagby (Test)

Signed, sealed and  
delivered in presence of  
us witnesses day and  
date before written  
H. M. Ann,  
J. H. Chadwick.

Probate.

North Carolina, } Probate Court,  
Lous. County. } July 11th, 1883.

Cynthia Ann et al }  
vs. } Reversit vel non  
H. K. Bagby. }

It appearing to the satisfaction of this Court that the foregoing paper writing purporting to be the last will and testament of Helen M. Bagby, dec'd, was, by a jury regularly empaneled in Greene County Superior Court to which the issue in this case was removed for trial, declared by their verdict to be the last will and testament of Helen M. Bagby; the same having been certified

execution issue therefor

(L.S.)

A true copy.

Dist. A. M. Patrick, Clerk.

Judgment,  
Spring Term, 1889,  
Lucas Co.  
Superior Court.

Cynthia Ann  
vs.  
H. K. Bagby.

Lucas Superior Court,  
Devauoit vel non.  
Judgment at Spring Term, 1889.

In this case it having been certified to this court from the Superior Court of Greene County to which the issue in this case was removed for trial, that the paper writing as set forth in the proceedings and record therein and every part thereof was the last will and testament of Helen M. Bagby, decd.; it is now ordered by the court here that the matter be certified to the Probate Court of Lucas County in order that the said Probate Court may proceed <sup>to admit</sup> said paper writing to probate and to take such other and further proceedings therein as the law directs.

Almond A. McKay,  
Judge Presiding.

Helen M. Bagby  
-  
Will.

I, Helen M. Bagby of the County of Lucas 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 that is to say.

First. That my hereinafter named executor shall provide for my body a decent burial suitable to the wishes of my relatives and friends and pay all funeral expenses together with my just debts howsoever and to whomsoever owing out of the money that may first come into his hands as a part or parcel of my estate.

Second that it is my will and desire that all my property of every description shall at my death belong to my children who may then be living. It is further my will and desire that a proper judicial tribunal shall appoint a good and discreet person, who shall hold said property in trust for the benefit of said children, and that the proceeds therefrom

shall be expended only for their maintenance and education and it is further my will and desire that each child on arriving at the age of twenty-one years or shall marry shall be entitled to draw out from the common stock his or her equal share said share to be his or her's in fee simple. It is further my will and desire that should any of said children die before they are twenty-one years of age or marry, then and in that case the survivors shall inherit the share of said deceased child or children.

I hereby appoint and constitute my beloved husband George H. Bagby of the aforesaid County and State my lawful executor to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof I said Helen M. Bagby, do hereunto set my hand and seal this 25th day of September one thousand eight hundred and eighty.  
Helen M. Bagby (Seal)

Signed, sealed and  
delivered in presence of  
us witnesses day and  
date before written  
H. M. Ann,  
D. P. Chadwick.

Probate.

North Carolina,  
Lucas County.

Probate Court,  
July 11th, 1889.

Cynthia Ann et al  
vs.  
H. K. Bagby.

Devauoit vel non

It appearing to the satisfaction of this Court that the foregoing paper writing purporting to be the last will and testament of Helen M. Bagby, decd., was, by a jury regularly empaneled in Greene County Superior Court to which the issue in this case was removed for trial, declared by their verdict to be the last will and testament of Helen M. Bagby; the same having been certified



from the Superior Court of said County to the Superior Court of this County, and from the last named Court to this Court to proceed with said paper writing according to law;

It is, now, here, considered and adjudged that the said paper <sup>and every part thereof</sup> writing is the last will and testament of the said Helen M. Bagby, and the same is ordered to be recorded and filed.

It appears, further, to the Court, that George H. Bagby, the Executor therein named, has qualified as such by taking the oath required by law.

W. W. Dunn,  
Probate Judge.

Oath of Executor.

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

I, G. H. Bagby, do solemnly swear that I believe this writing to be and contain the last will and testament of Helen M. Bagby, 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.

G. H. Bagby.

Sworn and subscribed  
before me this 15th day  
of April, 1852.

W. W. Dunn,  
Probate Judge.

Recorded in the office of the Superior Court Clerk  
of Lenoir County the 11th day of July, 1852.

W. W. Dunn  
Superior Court Clerk.

Nannie E. Davis.

Lenoir County: In the Probate Court.

Application for  
Probate of  
Will  
by Jas. K. Davis.

In the matter of the will } Before W. W. Dunn,  
of Nannie E. Davis, dec'd. } Probate Judge.

James K. Davis, being duly sworn, doth say:  
That Nannie E. Davis, late of said County, is dead, having first made and published her last will and testament, and that James K. Davis is the executor named therein.

Further, that the property of the said Nannie E. Davis, consisting of real and personal property, is worth about \$5000, so far as can be ascertained at the date of this application, and that James K. Davis and James H. Canaday are the parties entitled under said will to the said property.  
Jas. K. Davis.

Sworn to and subscribed  
before me this 9th day of  
March, 1852.

W. W. Dunn,  
Probate Judge.

Examination  
of Witnesses.

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

A paper purporting to be the last will and testament of Nannie E. Davis, deceased, is exhibited before me, the undersigned, Judge of Probate for said County, by Jas. K. Davis, the executor therein named, and the due execution thereof by the said Nannie E. Davis is proved by the oath and examination of M. J. Lottin and D. E. Perry, the subscribing witnesses thereto, who, being duly sworn, doth depose and say, and each for himself, solemnly and aith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Nannie E. Davis; that the said Nannie E. Davis, 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 4th day of March, 1852.

And the deponent further aith, that the said Nannie E. Davis, 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 do and