

Application
for
Letters
Testamentary

State of North Carolina,
Lenoir County,

In the matter of the last } Before E. H. Bizzell
Will of Isaac Smith } Clerk Superior Court

F. M. Smith being duly sworn, doth say:
That Isaac Smith, late of said County, is
dead, having first made and published his last
Will and Testament; and that he F. M. Smith is the
executor named therein.

Further, that the property of the said Isaac Smith
consisting of Real and Personal Property is worth
about \$600. so far as can be ascertained at the
date of this Application; and that Leah Smith, F. M.
Smith, D. L. Smith (son of F. M. Smith), Julia Shoud, Thomas
H. Smith, Smith Shoud, Corrett Shoud, and Ernest
Shoud, (the last three named are minor heirs of Zipporah
Shoud) are the parties entitled under said will to
the said property.

Sworn to and subscribed before
me the 6th day of May 1889
E. H. Bizzell
Clerk Superior Court. } F. M. Smith

Examination
of
Witnesses.

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

A paper purporting to be the last Will and
Testament of Isaac Smith deceased, is exhibited to
me, the undersigned, Clerk of the Superior Court for
said County, by F. M. Smith the executor therein
mentioned, and the due execution thereof by the
said Isaac Smith by the oath and examination
of S. H. Davenport and John E. B. Noble the subscribing
witnesses thereto: Who, being duly sworn, doth depose
and say, and each for himself depose and swear
that he is a subscribing witness to the paper-writing
now shown him, purporting to be the last will and
testament of Isaac Smith; that the said Isaac Smith
in the presence of this deponent, subscribed his name at
the end of said paper-writing, which is now shown

The
Oath

547
aforesaid, and which bears date of the 8th day of April 1889
And the deponent further saith, that the said Isaac
Smith the testator aforesaid, did, at the time of subscrib-
ing 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 then
upon subscribe his name at the end of said will as
an attesting witness thereto, and at 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 his 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 Isaac Smith was of sound mind and mem-
ory, 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.

S. H. Davenport (deposed)
John E. B. Noble (deposed)
Sworn to and subscribed }
this 6th day of May 1889 before }
me E. H. Bizzell }
Clerk Superior Court }

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

I, F. M. Smith do solemnly swear (or affirm)
that I believe this writing to be and contain the last
Will and Testament of Isaac Smith deceased; and
that I will will and truly execute the same by first
paying his debts and then his 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, as help me God.

Sworn and subscribed
before me, this 6th day of
May 1889, } F. M. Smith
E. H. Bizzell }
Clerk Superior Court }

Application
For
Letters
Testamentary

State of North Carolina,
Lenoir County,

In the matter of the last } Before Est. Bizzell
Will of Isaac Smith } Clerk Superior Court

F. M. Smith being duly sworn, doth say:

That Isaac Smith, late of said County, is dead, having first made and published his last Will and Testament; and that he F. M. Smith is the executor named therein.

Further, that the property of the said Isaac Smith consisting of Real and personal property is worth about \$600. so far as can be ascertained at the date of this Application; and that Leah Smith, F. M. Smith, D. L. Smith (son of F. M. Smith), Julia Shoud, Thomas H. Smith, Smith Shoud, Corvett Shoud, and Ernest Shoud, (the last three named are minor heirs of Zipporah Shoud) are the parties entitled under said will to the said property.

Sworn to and subscribed before
me the 6th day of May 1889 } F. M. Smith
Est. Bizzell }
Clerk Superior Court.

Examination
of
Witnesses

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

A paper purporting to be the last Will and Testament of Isaac Smith deceased, is exhibited to me, the undersigned, Clerk of the Superior Court for said County, by F. M. Smith the executor therein mentioned, and the due execution thereof by the said Isaac Smith by the oath and examination of S. H. Davenport and John E. B. Noble the subscribing witnesses thereto: Who, being duly sworn, doth depose and say, and each for himself depose and swear that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and Testament of Isaac Smith; that the said Isaac Smith in the presence of this deponent, subscribed his name at the end of said paper-writing, which is now shown

aforsaid, and which bears date of the 8th day of April 1889. And the deponent further saith, that the said Isaac Smith the testator aforsaid, did, at the time of subscribing his name as aforsaid, 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 the 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 aforsaid, and at the time of deponent's subscribing his name as an attesting witness thereto, as aforsaid, the said Isaac Smith 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.

S. H. Davenport (S. S.)
John E. B. Noble (S. S.)
Solemnly sworn and subscribed }
this 6th day of May 1889 before }
me Est. Bizzell }
Clerk Superior Court }

The
Oath

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

I, F. M. Smith do solemnly swear (or affirm) that I believe this writing to be and contain the last Will and Testament of Isaac Smith deceased; and that I will will and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend, or the law will charge me; and that I will will 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 }
May 1889. } F. M. Smith
Est. Bizzell }
Clerk Superior Court }

The Will
of
Isaiah Smith

In the name of God Amen.
I, Isaiah Smith of the County of Lenoir and State
of North Carolina, being of sound mind and memory
and considering the uncertainty of this frail and transi-
tory life, do therefore make, ordain, publish, and
declare this to be my last will and Testament; that
is to say, First, after all my lawful debts are paid
and discharged, the residue of my estate, real
and personal, I give, bequeath and dispose of
as follows, to-wit: To my sister Leah Smith all
my personal property, one mare and buggy, cattle,
hogs, corn and fodder, pork, farming utensils,
household matters &c including every thing else
the land and appurtenances situated thereon,
lying in Pink Hill Township in said County on
the south side of the path that leads from the
Job Smith place to and by Bush Branch School
House adjoining J. H. Nobles land during the time
of her single life and after marriage or her death
to my brother F. M. Smith's eldest son D. P. Smith. I
also put in to the hands of my brother F. M. Smith
the remainder of my land lying on the north side
of said path and on the south side of Trout River
to have and to hold the said parcel of land unto
his eldest son to come twenty one years of age, then
I give to him (D. P. Smith) the said remainder or
parcel of land. The entire tract of land contains
ninety acres more or less. To my sister Julia Smith
twenty five dollars. To my brother Thomas M. Smith
three dollars. To my sister Zephra Smith three
dollars each. Likewise I make, constitute, and
appoint my brother F. M. Smith to be executor of
this my last will and Testament hereby revoking
all former wills by me made.

In witness whereof I have hereunto subscribed
my name and affixed my seal the 8th day of
April, A.D. 1857

Witness

S. H. Darnport,
Jno. E. B. Noble

Isaiah Smith (seal)

Probate of
Isaiah Smith's
Will

State of North Carolina,
Lenoir County } In Superior Court
In the matter of the last will,
of Isaiah Smith

It appearing to the court by the oath and
examination of S. H. Darnport and Jno. E. B. Noble the
subscribing witnesses thereof, that the paper writing
propounded by the Executor therein named, is the
last will and testament of Isaiah Smith and that
the same was duly executed by said Isaiah Smith
in the presence of said witnesses and that at the
time of signing the same the said Isaiah Smith 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 Isaiah Smith and the Executor
therein named qualify as such, and that letters Testamen-
tary issue, and said letters are this day issued to
F. M. Smith the Executor.

This the 6th day of May 1857

E. H. Biggell

Clerk Superior Court

Recorded in the Office of the Clerk of the
Superior Court of Lenoir County State of North Carolina
This 7th day of May 1857

E. H. Biggell

clerk