

In Testimony whereof the said Earl P. Stille have hereunto set my hand and seal in presence of Mr. H. West and Jas. D. Sutton and requested them to sign the same as witnesses.

January 19th, 1878

Mr. H. West.

Jas. D. Sutton.

Earl P. Stille, (Seal)

Recorded in the office of the Probate Judge and Clerk of the Superior Court of Lenoir County, in Kingston, N. C., the 24th day of June, 1878.

W. H. H. Hunter,
Probate Judge
& Clerk.

Oliver Herring.

Lenoir County. — In the Probate Court.
In the matter of the will } Before W. H. H. Hunter,
of Oliver Herring, } Judge of Probate.

James Herring being sworn, doth say:

That Oliver Herring, late of said County, is dead, having first made and published his last Will and Testament, and that James Herring is the executor named therein.

Further, that the property of the said Oliver Herring consisting of Household and kitchen furniture and a few evidences of debt is worth about \$300.00 so far as can be ascertained at the date of this application; and that James Herring is the party entitled under said will to the said property.

Sworn to and subscribed
before me, this 6th day
of July, 1878.

James Herring.

W. H. H. Hunter,
Probate Judge.

State of North Carolina,

Lenoir County, ss. In the Probate Court.
A paper purporting to be the last Will and Testament of Oliver Herring, deceased, is exhibited before me, the undersigned, Judge of Probate for said County, by James Herring, the executor therein named, and the due execution thereof by the said Oliver Herring by the oath and examination of Evan E. Noble and Nathan Hill 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 Testament of Oliver Herring, that the said Oliver Herring in the presence of this deponent subscribed his name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 14th day of September, 1867. And the deponent further saith, That the said Oliver Herring, the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing so 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 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 the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Oliver Herring 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.

Evan E. Noble. (Seal)
Nathan Hill. (Seal)
mark.

Severally sworn and subscribed, this 6th day of July, 1878, before me
W. H. H. Hunter,
Probate Judge.

Lenoir County. — Probate Court. July 6th, 1878.

On reading and considering the application of James Herring to admit a paper writing purporting to be the last Will and Testament of Oliver Herring, deceased, to probate, and to be qualified as Executor thereof, according to the appointment thereby made, and having examined on oath, Evan E. Noble and Nathan Hill, the two 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 Oliver Herring, dead, and the same, as such, is ordered to be recorded and filed. And, thereupon, the said James Herring, the executor aforesaid, comes forward and takes and subscribes the following oath:

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

I James Herring, do solemnly swear that I believe this writing to be and contain the last Will and Testament of Oliver Herring, deceased; and that I will well 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, so help me God.

James Herring.

Sworn and subscribed
 before me, this 6th day
 of July, 1878.

W. H. H. H. H. H.
 Probate Judge.

whereupon Letters Testamentary are issued to the said James Herring as Executor of the said last will and testament

W. H. H. H. H.
 Probate Judge.

I Oliver Herring of the County of Lenoir 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 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 however and to whomever owing out of the money that may first come into his hands as a part or parcel of my estate.

Item I reserve for the use of my wife Nancy Herring during her natural life the use of my lands that I have given a deed to my son Calvin Herring which her lifetime was received in said deed and I also have her two beds and necessary furniture one half dozen sitting chairs one half dozen plates one half dozen cups and saucers one half dozen knives and forks one fine table one horse one cart body and wheels one cow and calf one sow and five shoats and I further give her corn and meat enough for one years support for herself and

family one pot one spider one skillet and waffle irons
 Item I give unto my son James Herring all the lands on the east side of the big swamp that belonged to me at the time I made a deed to him and I further give him what has already been advanced to him to have and to hold to him and his heirs in fee simple forever.

Item I give unto my son Stephen Herring seventeen hundred dollars which he has received I also give him what has already been advanced to him before which I give to him his heirs and assigns forever.

Item I give unto my son Curtis Herring twenty-four hundred dollars which he has received I also give him what has been advanced before to have as his own right and property.

Item I give unto my daughter Barbara Taylor two thousand dollars nineteen hundred and fifty two dollars she has received and also give her what other advancements she has received to have and hold as her own right and property forever.

Item I give unto my son Calvin Herring all my lands lying on the west side of the big swamp which I have given him a deed for and I also give him all that has been advanced before to have and hold as his own right and property.

Item The residue of my estate I wish sold and the money given to my daughter Nancy Herring I also give unto her all my notes and accounts of every kind and nature that I may have in possession at the time of my death to have and to hold as her own right and property.

And lastly I do hereby constitute and appoint my son James Herring 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 the said Oliver Herring do hereunto set my hand and seal this 14th day of September A. D. 1867

Signed sealed published and declared
 be the said Oliver Herring to be his last
 will and testament in the presence of us
 who at his request and in his presence do
 do subscribe our names as witnesses thereto.

Witness
 Evan E. Noble
 Nathan H. Hill
 mark

Oliver Herring (seal)