

On the 7th day of March 1887

E. W. Biggell
Clerk Superior Court

Recorded in the office of the Superior Court
Clerk of Lenoir County. This the 11th day of
March 1887.

E. W. Biggell
C. S. C.

John M. Davis
Application
of
Stephen H. Davis
For
Letters
Testamentary

State of North Carolina }
Lenoir County

In the matter of the last will of }
John M. Davis }
Before E. W. Biggell
Clerk Superior Court

Stephen H. Davis being duly sworn, doth say:
That John M. Davis, late of said County, is dead,
having first made and published his last will
and Testament; and that he Stephen H. Davis is
the executor named therein. Further, that the
property of the said John M. Davis consisting of
Personal Property is worth about \$300. so far as can
be ascertained at the date of this application; and
that Elizabeth Davis, Berenda Stroud & her heirs, Anthony
Davis, Stephen H. Davis, George H. Davis & John Jay
Davis, are the parties entitled under said will to the
said property.

Sworn to and subscribed before }
me the 19th day of February 1887. }
Stephen H. Davis
E. W. Biggell
Clerk Superior Court

Examination
of
Witness

State of North Carolina }
Lenoir County }
In the Superior Court

A paper purporting to be the last Will and
Testament of John M. Davis deceased, is exhibited
before me, the undersigned, Clerk of the Superior
Court for said County, by Stephen H. Davis the
executor therein mentioned, and the due execution
thereof by the said John M. Davis by the oath and

examination of John H. Morley, one of the subscribing
witnesses thereto, who, being duly sworn, doth depose
and say, and 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 Testam-
ent of John M. Davis; that the said John M. Davis, in
the presence of this deponent, subscribed his name, in
the clause "In witness whereof I the said John M. Davis doth"
of said paper-writing, which is now shown as aforesaid,
and which bears date of the 9th day of July 1885.

And the deponent further saith, that the said John
M. Davis the testator aforesaid, did, at the time of subscri-
bing 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 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 John M. Davis 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 this deponent
say not.

John H. Morley
Severally sworn and subscribed
this 19th day of February 1887 before
me E. W. Biggell
Clerk Superior Court

Affidavit
of
Mr. H. A. Hunter

North Carolina }
Lenoir County }
Superior Court
February 19th 1887

In the matter of the will
of John M. Davis.

Personally appeared before me the undersigned,
Clerk Superior Court, Mr. H. A. Hunter, who, being, by me,
duly sworn, says: that he has examined the paper-
writing exhibited by Stephen H. Davis, purporting to be
the last will and testament of John M. Davis, and

which bears date of the 9th day of July 1885, and subscribed by John M. Worley and L. A. Davis as witnesses thereto; that the said L. A. Davis, one of said witnesses, is dead; that he is well acquainted with the handwriting of the said L. A. Davis, having often seen his write, and that the name of the said L. A. Davis, signed at the end of said will, as a witness, as aforesaid, is in her own proper hand writing.

Mrs. H. N. Hunter

Known to and subscribed
before me, Feby 19, 1887.
E. M. Bizzell, J. P.

Executors

Oath

State of North Carolina } In the Superior Court
Lenoir County }

I Stephen H. Davis do solemnly swear that I believe this writing to be and contain the last will and Testament of John M. Davis 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.

Known and Subscribed
before me, this 19. day of February, 1887.
Stephen H. Davis
E. M. Bizzell
Clerk Superior Court

The Will

I John M. Davis of the County of Lenoir and State of North Carolina being of sound mind and memory, but considering the uncertainty of my own existence, do make and declare this my last will and Testament, in manner and form following, that is to say: 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, howsoever and to whomsoever owing, out of the

moneys that may first come into his hands, as a part or parcel of my estate.

- Item 1 I give and bequeath to my beloved wife Elizabeth Davis, three beds and all the bed clothing, six chairs her choice, two clocks, tinclor dinner plates her choice, six knives and forks, six cups and saucers, two trunks, two tables, one book desk, one looking glass, and all the provisions I have on hand at that time, also all the money accounts notes mortgages, and the balance of my personal property, I want sold and all the money accruing therefrom paid to my said wife Elizabeth Davis.
- Item 2 I have given unto my daughter Marinda Stoud, and her heirs a tract of land, known as part of the tract called the Hickory Level, that is all I can do for them.
- Item 3 I give unto my son Anthony Davis the land I have given him a deed for, reserving for my wife her lifetime estate in it, and also I give him the twenty dollars of borrowed money that he owes me.
- Item 4 I give unto my son Stephen H. Davis the land I have given him a deed for, reserving for my wife her lifetime interest in it.
- Item 5 I give unto my son Sennas H. Davis the land I have given him a deed for reserving for my wife her lifetime interest in it.
- Item 6 I give unto my son John Sny Davis the land I have given him a deed for, reserving for my wife her lifetime interest in it.
- Item 7 I give and bequeath to my beloved wife, two spiders her choice, one Pat and Hooker, one Bailer, two washing tubs her choice, one water bucket, one Reeler, one pair of tongs, and one pair of trowsers, one pair of smoothing Irons, and one set Spoons, to have and to hold during her natural life, and at her death if there is any thing to be sold my executor must sell it, and after paying her burial expenses out of the money accruing from the sale of the property she may have, I want the balance of it if any and the money she may have on hand if any equally divided between Agnes Hobbs, Stephen H. Davis, Sennas H. Davis and John S. Davis.
- And lastly I do hereby constitute and appoint my son Stephen H. Davis my lawful executor to all intents and purposes to execute this my last will and Testament, according to the true intent and

which bears date of the 9th day of July 1885, and subscribed by John M. Worley and L. A. Davis as witnesses thereto; that the said L. A. Davis, one of said witnesses, is dead; that he is well acquainted with the handwriting of the said L. A. Davis, having often seen his write, and that the name of the said L. A. Davis, signed at the end of said will, as a witness, as aforesaid, is in her own proper hand writing.

Mrs. H. N. Hunter

Known to and subscribed
before me, Feby 19, 1887.
E. M. Bizzell, J. P.

Executors

Oath

State of North Carolina } In the Superior Court
Lenoir County }

I Stephen H. Davis do solemnly swear that I believe this writing to be and contain the last will and Testament of John M. Davis 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.

Known and Subscribed
before me, this 19. day of February, 1887.
Stephen H. Davis
E. M. Bizzell
Clerk Superior Court

The Will

I John M. Davis of the County of Lenoir and State of North Carolina being of sound mind and memory, but considering the uncertainty of my own existence, do make and declare this my last will and Testament, in manner and form following, that is to say: 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, howsoever and to whomsoever owing, out of the

moneys that may first come into his hands, as a part or parcel of my estate.

- Item 1 I give and bequeath to my beloved wife Elizabeth Davis, three beds and all the bed clothing, six chairs her choice, two clocks, tinclor dinner plates her choice, six knives and forks, six cups and saucers, two trunks, two tables, one book desk, one looking glass, and all the provisions I have on hand at that time, also all the money accounts notes mortgages, and the balance of my personal property, I want sold and all the money accruing therefrom paid to my said wife Elizabeth Davis.
- Item 2 I have given unto my daughter Marinda Stoud, and her heirs a tract of land, known as part of the tract called the Hickory Level, that is all I can do for them.
- Item 3 I give unto my son Anthony Davis the land I have given him a deed for, reserving for my wife her lifetime estate in it, and also I give him the twenty dollars of borrowed money that he owes me.
- Item 4 I give unto my son Stephen H. Davis the land I have given him a deed for, reserving for my wife her lifetime interest in it.
- Item 5 I give unto my son Senas H. Davis the land I have given him a deed for reserving for my wife her lifetime interest in it.
- Item 6 I give unto my son John Sny Davis the land I have given him a deed for, reserving for my wife her lifetime interest in it.
- Item 7 I give and bequeath to my beloved wife, two spiders her choice, one Pat and Hooker, one Bailer, two washing tubs her choice, one water bucket, one Reeler, one pair of tongs, and one pair of trowsers, one pair of smothering tongs, and one set of spoons, to have and to hold during her natural life, and at her death if there is any thing to be sold my executor must sell it, and after paying her burial expenses out of the money accruing from the sale of the property she may have, I want the balance of it if any and the money she may have on hand if any equally divided between Agnes Hobbs, Stephen H. Davis, Senas H. Davis and John S. Davis.
- And lastly I do hereby constitute and appoint my son Stephen H. Davis 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
verbally revolving and declaring utterly void all other wills
and Testaments by me heretofore made.

In witness whereof I the said John M. Davis, do
hereunto set my hand and seal this 9th day of July, 1857.

Signed, sealed, and published
and declared by the said John M.
Davis to be his last will and Testament, } John M. Morley (Seal)
in presence of us who at his request } C. A. Davis (Seal)
and in his presence do subscribe
our names as witnesses thereto.

Probate of Will
State of North Carolina
Lenoir County Superior Court

In the matter of the last will of John M. Davis,
It appearing to the Court by the oath and examination
of John M. Morley a subscribing witness and W. H. H. Hunter
who swear to the signature of the other witness (C. A. Davis)
therein, that the paper writing propounded by the executor
therein named, is the last will and testament of
John M. Davis and that the same was duly executed
by said John M. Davis in the presence of said witnesses
and that at the time of signing the same the said
John M. Davis was of sound mind.

It is thereupon adjudged that the said paper
writing be admitted to probate as the last will and
testament of the said John M. Davis and the
executor therein named qualify as such.

This the 19. day of February 1857

E. N. Biggell
Clerk Superior Court

Recorded in the office of the Superior Court
Clerk of Lenoir County. March 25. 1857

E. N. Biggell
Clerk

Ava Capell

State of North Carolina }
Lenoir County }

Application
of
Geo. L. Capell
for
Letters Testamentary

In the matter of the last will of } Refers E. N. Biggell
Ava Capell } Clerk Superior Court.

George L. Capell being duly sworn, doth say:
That Ava Capell, late of said County, is dead, having first
made and published her last will and testament; and that
he George L. Capell is the executor named therein.

Further, that the property of the said Ava Capell con-
sisting of personal property is worth about 1800-00, so far
as can be ascertained at the date of this application; and
that Fannie H. Allen, Clarine Allen and George L. Capell
are the parties entitled under said will to the said property.
Known to and subscribed before me }
the 15th day of June 1857. } Geo. L. Capell

E. N. Biggell
Clerk Superior Court

Examination
of
Witnesses

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

A paper purporting to be the last will and testament
of Ava Capell deceased, is exhibited before me, the undersig-
ned, Clerk of the Superior Court for said County, by George L.
Capell the executor therein mentioned, and the due
execution thereof by the said Ava Capell by the oath
and examination of S. I. Sutton and Jerry Sutton, two
of 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 testa-
ment of Ava Capell; that the said Ava Capell, 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 2nd day of July, 1854.

And the deponent further saith, that the said Ava Capell
the testator aforesaid, did, at the time of subscribing her
name as aforesaid, declare the said paper-writing as sub-
scribed 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