

Joseph Waller.

Lenoir County, Probate Court
 In the matter of the will } Before W. H. Hunter,
 of Joseph Waller, decd } Probate Judge.

Haywood Waller, being duly sworn says:

That Joseph Waller, late of said County is dead, having first made and published his last will and testament, and that Haywood Waller is the executor therein named. Further, that the property of the said Joseph Waller consisting of house hold furniture and evidences of debt, worth about \$1800.00, as far as can be ascertained at the date of this application, and that Ann Waller Williams Waller, Rebecca Waller, Eloy E. Waller, Haywood Waller, Mary A. Hill, James Spence, and Susan Davis are the parties entitled under the said will to said property.

Sworn to and subscribed
 before me, Feb. 7, 1879.
 W. H. Hunter,
 Probate Judge.

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

A paper purporting to be the last will and testament of Joseph Waller, deceased, is exhibited before me the undersigned Judge of Probate for said county, by Haywood Waller, the executor therein named, and the due execution thereof by the said Joseph Waller, by the oath and examination of James Herring and Emma S. Spain, 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 Joseph Waller, that the said Joseph Waller, 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 20th day of May, 1878.

And the deponent further saith, that the said Joseph Waller, the testator aforesaid, did, at the time of subscribing 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, 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 Joseph Waller 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.

James Herring. (Seal)
 Emma S. Spain. (Seal)

(Married to J. H. Waller.)

Severally sworn and
 subscribed this 18th day
 of January, 1879, before me.
 W. H. Hunter,
 Probate Judge.

Lenoir County—Probate Court. February 7, 1879.

On reading and considering the application of Haywood Waller to admit a paper writing purporting to be the last will and testament of Joseph Waller, deceased, to probate, and to be qualified as executor thereof, according to the appointment thereby made and having examined on oath, James Herring and Emma S. Spain, 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 Joseph Waller, deceased, and the same as such is ordered to be recorded and filed. And thereupon, the said Haywood Waller, the executor aforesaid, comes forward and takes and subscribes the following oath:

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

I, Haywood Waller, do solemnly swear, that I believe this writing to be and contain the last will and testament of Joseph Waller, 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 will 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.

Haywood Waller.

Sworn and subscribed
 before me, this 7th day
 of February, 1879.
 W. H. Hunter, Probate Judge.

whereupon letters testamentary are issued to the said
Haywood Waller, as executor of the said last will and testament.
Wm. H. H. Hunt, Probate Judge?

I, Joseph Waller of the County of Lenoir and 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 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. I give and devise to my son Sam Waller one dollar to be paid by my executor.

Item I give and devise to my son William Waller one bed bedstead and furniture to have and to hold as his right and property.

Item I give and devise to my granddaughter Rebecca Waller one bed bedstead and furniture to have and to hold as her own right and property.

Item I give and devise the rest and residue of my estate real personal and mixed of which I shall be seized and possessed or to which I shall be entitled at the time of my deceased to be equally divided between Elvy C. Waller Haywood Waller Mary A. Hill William Waller and James Spence and Susan Davis my two grandchildren to have one share to have and to hold as their own right and property.

As it lastly I do hereby constitute and appoint my son Haywood Waller 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 Joseph Waller do hereunto set my hand and seal this the 28 day of July 1875 signed sealed published and declared by the said Joseph

Joseph Waller (Seal)

Waller to be his last will and testament in presence of us who at his request and in his presence do subscribe our names as witnesses thereto.

James Herring
Emma S. Spain.

Recorded in the office of the Probate Judge and Superior Court Clerk of Lenoir the 7th day of Feb. 1877.

Wm. H. H. Hunt,
Judge & Clerk?

Whelly Warters.

Lenoir County: Probate Court

In the matter of the will
of Whelly Warters. }

Franklin Hail, being by me duly sworn, says:

That Whelly Warters, late of said County, is dead, having first made and published her last will and testament, and that Franklin Hail is the executor named therein; that the property of the said Whelly Warters is worth about \$1400, as far as can be ascertained at the date of this application, and that the estate of Alexander Wilson, Sally H. Brantley and her heirs Polly Hail, Franklin Hail, Bellie J. Rouse, and Thos. P. Hail are the parties entitled under said will to the said property.

Sworn to and subscribed
before me March 11, 1877.

Wm. H. H. Hunt,

c/o.

Franklin Hail.

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

A paper purporting to be the last Will and Testament of Whelly Warters, deceased, is exhibited before me, the undersigned Judge of Probate for said County, by Franklin Hail, the executor therein named, and the due execution thereof by the said Whelly Warters, by the oath and examination of Jas. M. Hines, Sr., and Jno. W. Warters, the subscribing witnesses thereto: who, being duly sworn, doth depose and say and each

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)

Senioir 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,
Senioir 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 Senioir 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-