

Recorded in the office of the Superior Court Clerk
and Probate Judge of Lenoir County, Oct. 28, 1880.
W. H. H. Huntress,
Probate Judge.

Martha Smith.
Will.

In the matter of the
last will and testament } Probate Court of Lenoir
of Martha Smith, dec'd. } Co., Feb. 7th, 1881.

Freeman Smith being duly sworn, doth say:-

That Martha Smith, late of said county, is dead,
having made and published her last will and tes-
tament, dated Jan. 13th, 1881, and that she thereby
appointed the said Freeman Smith her executor.

That said Freeman Smith desires to qualify as exe-
cutor of said last will and testament.

That the value of the personal estate as far as can
be ascertained at the date of this application is
about one hundred dollars, and that Nancy Smith
and Souvenia Sindel are the legatees under said
will, and the said Freeman Smith respectfully
asks that said last will and testament be admit-
ted to probate according to law, and that he be ap-
pointed executor thereof.

Feb. 7th, 1881.

Sworn to and subscribed
before me this 1881.
W. H. H. Huntress,
Probate Judge.

In the matter of
Martha Smith, dec'd, last } In the Probate Court
will and testament.

A paper purporting to be the last will and testa-
ment of Martha Smith, dec'd, is exhibited before me
the undersigned Judge of Probate for said county, by
Freeman Smith, the executor therein appointed, and
the due execution thereof by said Martha Smith is
proved by the oath and examination of Lovit Hines

Franklin Hail, the subscribing witnesses thereto, who, being
duly sworn, doth depose and say, and each for himself depose
and say, that he is a subscribing witness to the paper writing
now shown him, purporting to be the last will and testament
of Martha Smith, that the said Martha Smith 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 Jan. 13th, 1881. And the deponent fur-
ther sayeth that the said Martha Smith, the testatrix afo-
said, did at the time of subscribing her name as aforesaid
declare the said paper writing so subscribed by him and
exhibited to be his last will and testament, and this de-
ponent did thereupon subscribe his name at the end of
said will as an attesting witness thereto, and at the re-
quest and in the presence of said testatrix. And this de-
ponent further sayeth 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's subscribing his
name as an attesting witness, that said Martha Smith
was of sound mind and memory of full age to execute
a will and was not under any restraint to the knowl-
edge, information or belief of this deponent.

Lovit Hines
Franklin Hail.

Severally sworn and
subscribed this 7th, 1881.
W. H. H. Huntress,
Probate Judge.

Lenoir County - Probate Court - Feb. 7th, 1881.

On reading and considering the application of Free-
man Smith to admit a paper writing, purporting to
be the last will and testament of Martha Smith, to
probate, and to be qualified as executor thereof accord-
ing to the appointment therein made; and having ex-
amined on oath Lovit Hines and Franklin Hail,
the subscribing witnesses thereto as to the execution
thereof: it is adjudged that the said paper writing is the
last will and testament of Martha Smith, dec'd, and the
same, as such, is ordered to be recorded and filed.

And thereupon, Freeman Smith, the executor aforesaid,
comes forward and takes and subscribes the following oath
State of North Carolina,
Lenoir County. } In the Probate Court

I, Freeman Smith, do solemnly swear that I believe this writing to be and contain the last will and testament of Martha Smith, dec'd. and I will well and truly execute the same by first paying her debts and the 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 agreeably to the trust and confidence reposed in me and according to law: so help me God.

Witness to and subscribed
before me Feb. 7th, 1881.
W. H. S. Hunter,
(Probate Judge.)

Freeman Smith.

Whereupon letters testamentary are issued to said Freeman Smith, as executor of the said last will and testament.

W. H. S. Hunter,
(Probate Judge.)

I, Martha Smith, 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 whomsoever owing out of the monies that may first come into his hands as a part or parcel of my estate.

Item 1st give and bequeath unto my daughter, Nancy A. Smith one half of my tract of land in valuation also, two beds and furniture known as the beds that has heretofore been advanced to here. Also one half of my stock and poultry that may be on hand at my death; also, one chest known as the one that formerly belonged to my mother, Nancy Smith, also, one clock.

Item 2nd. I lend to my daughter, Louvenia Sindal, one half of my land during the term of her natural lifetime, and at her death, I give the said lands to her children, also, I lend to her and her children two beds and furniture.

Item 3rd. I lend to my grandson Matthew Sindal my gun and in the event he should die then in that event, I give it to my brother, Freeman Smith.

Item 4th. It is my desire that the residue of my property to be sold and the proceeds thereof to be equally divided equally between my two daughters, Nancy A. Smith and Louvenia Sindal. In testimony whereof, I do hereunto declare this to be my last will and testament and that I do hereunto set my hand and seal, this January 13th day, 1881.

Assigned and declared
in presence of,
Lovitt Hines,
Franklin Nail.

Martha Smith. (Seal)

And lastly, I do hereby constitute and appoint my brother Freeman Smith 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.

Witness:
Lovitt Hines
Franklin Nail.

Martha Smith (Seal)

Recorded in the office of the Superior Court Clerk and Probate Judge of Lenoir County, March 11th, 1881.

W. H. S. Hunter,
(Probate Judge/Clerk)