

North Carolina } Before -
 Lenoir County } E. W. Bizzell, C. S. C.

In the matter of the last
 will and testament of }
 Snoad B. Garraway, decd. } Petition.

The petition of Henry Gray respectfully sheweth to the court:—

- 1 That Snoad B. Garraway of the county of Lenoir died in said county having first made and executed his last will and testament according to law.
- 2 That Samuel S. Biddle and William W. Garraway were the executors named and appointed in said will and testament.
- 3 That R. F. Bright and S. W. Bright were the witnesses to said will and testament.
- 4 That said will and testament was duly and legally admitted to probate in said county of Lenoir and duly recorded according to law and the original filed as the law directs among the records of the said county.
- 5 That the said original and the records of the same were destroyed by fire in said county at the time of the burning of the court house and the county records.
- 6 That a legally certified copy of the said will and testament has been preserved by the said William W. Garraway one of the executors therein named which is now herewith presented to the court for probate as the law directs.
- 7 That the said S. W. Bright one of the said witnesses to said will and testament is now incompetent to testify by reason of mental incompetency the execution of the said will and testament as the law directs.
- 8 That the other witness, R. F. Bright is still living and competent to testify to the execution of said will as the law directs.
- 9 That St. Hunter, the Clerk of the Court who said it was to give copies of wills and testament and who gave the copy now herewith produced is dead and W. W. St. Hunter and W. C. Fields competent witnesses are now offered to prove the signature of the said St. Hunter as the law directs.
- 10 That your petitioner is interested in the probate of said copy because he has purchased lands that

or less depends upon the preservation of said will and testament.

Wherefore your petitioner asks that the said copy of the said last will and testament of the said Snoad B. Garraway, decd. be admitted to probate and recorded as the law directs. And your petitioner will ever pray.

Lottin & Rountree
 Attorneys for petitioner.

Henry Gray being sworn says: that the facts set forth in the foregoing petition of his own knowledge are true, and those facts set forth as information he believes to be true.

Sworn to and subscribed
 before me this 31st day
 of Aug. 1888.
 E. W. Bizzell, C. S. C.

Henry Gray.

North Carolina } Before -
 Lenoir County } E. W. Bizzell, C. S. C.
 Aug. 31, 1888.

In the matter of the
 last will & testament of }
 Snoad B. Garraway, decd. } Proof.

R. F. Bright, one of the witnesses to the last will and testament of Snoad B. Garraway, decd. being sworn deposes and says:

1 That he and one S. W. Bright signed in the presence of Snoad B. Garraway, decd. and by his directions a paper writing purporting to be his last will and testament of which this paper writing now herewith presented is said to be a copy.

2 That the said S. W. Bright, the other witness, to said will, is mentally incompetent to testify as to the execution of the said will.

Sworn to and sub-
 scribed before me
 this Aug. 31st 1888.
 E. W. Bizzell, C. S. C.

R. F. Bright.

North Carolina } Before:
 Lenoir County } E. W. Pizzell, C.S.C.

In the matter of the
 last will and testament
 of Snood B. Carraway, dec'd. } Proof.

W. C. Fields and W. W. Hunter being by me duly
 sworn, depose and say:

- 1 That they are acquainted with the hand writing of
 H. Hunter whose signature appears on the paper writing
 now here presented purporting to be a certified copy of
 the last will and testament of Snood B. Carraway, dec'd.
 having seen said Hunter write very frequently.
- 2 That the said signature of the said H. Hunter on said
 copy of said will and testament is in their opinion the
 true and genuine signature of the said H. Hunter to the
 best of their knowledge and belief.
- 3 That said Hunter was at the date of the said copy
 of said will clerk of the court of Lenoir County, and is
 now dead.

Sworn to and subscribed
 before me this 31st
 day of Aug. 1880
 E. W. Pizzell, C.S.C.

Wm. W. Hunter
 Wm. C. Fields.

Will

In the name of God amen! I, Snood B. Carraway be-
 ing of perfect mind and memory do hereby make this my
 last will and testament in manner and form following:
 First, I wish my just debts to be paid out of the sale of my
 perishable property not hereafter given away. Should my per-
 ishable property be insufficient to pay my debts I wish the fol-
 lowing negroes to be sold on a credit of one year with interest
 from the sale. Rosetta, Jordan, Joshua, Asah, John Wesley
 and all the children the said Rosetta may hereafter have.
 Should the said negroes not be necessary for the payment
 of my debts in that case I give and bequeath them to my
 son William H. Carraway and Mary Jane Nicholson to be
 equally divided between them.

Second, I give and bequeath unto my dear wife Sarah
 Carraway the tract of land in Wake County purchased
 Miss E. Wendith with all its improvements. Also all

household and kitchen furniture of every description at
 the said place; also all the horses, cattle, sheep, hogs, carts,
 wagons and farming utensils appertaining to said planta-
 tion in Wake County; also three beds and one bedstead (her
 choice) and every article of furniture or other property in
 the house at Monterello, Lenoir County that belong to her
 at or before our marriage. I also give her my carriage
 and horses. And to prevent any difficulty I give and be-
 queath to my wife Sarah all my right, title and inter-
 est in all the negroes and other property secured to
 her in a marriage settlement previous to our marriage.
 I also loan my wife during her life negro girl Beth-
 enia (daughter of Roney) after her death or at any
 time when she may think proper to give her up, it shall
 be the duty of William to receive her as I hereby give
 and bequeath said negro Bethenia to him my son William
 in fee simple after the use of my wife as aforesaid. I
 hereby direct my Executor to pay to my wife Sarah H.
 Carraway one thousand five hundred dollars out of my
 estate to repair and furnish the house at Brandon in
 Wake County, also an ample sufficiency of every nec-
 essary for the support of herself and family one year.
 The beds, bedsteads and furniture at Brandon are in-
 tended to be included with the household furniture which
 makes in all five beds.

Thirdly, I give and bequeath unto my son Samuel B.
 Carraway all the negroes being truly five in number
 that I conveyed to him in a bill of sale dated sometime
 in November or December last, which said negroes are
 his entire interest in my negroes. I also confirm in him
 my interest in the plantation purchased of Thomas Carr
 in Montgomery County Alabama for which I paid ten
 thousand dollars, also confirm the right of mules and horses
 and all other property amounting to ten thousand dol-
 lars or thereabouts. I also confirm in him the title lots
 in the town of Paradise near Beaufort Carteret County
 North Carolina, which lots I have conveyed per deed as
 Executor of Lewis Whitfield, deceased.

Fourthly, I give and bequeath to my daughter Mary
 Jane Nicholson one house and lot with all its improve-
 ments in the town of Washington, North Carolina,
 which I purchased of Martha Shaw and is now
 occupied by my sister Elizabeth S. Fullerton and her

daughter, Mary E. Fullerton; also certain negroes, Louisa, Matilda, Betty, Oscar, Charles and Lovina's younger child if she has one and their increase from this day; also negroes, Sarah Ann, Washington, Joe, Briston, John, Lucinda, Fennella, Marning and her child or children, Simon, Lizzie, Sucky, Christy, Fred, Rachel, (Luzie's child, George and Minerva his wife and Abram. I confirm in her four thousand five hundred dollars, which I paid over to Joseph J. Nicholson for her use; also other property of every description, which I put in her possession. I also give Theres, Grece, Isaac, Minerva, Stuart, and Eda the place of the above five negroes and.

Fifthly, I give and bequeath unto my son William W. Garraway, all my land on or near Wheat Swamp, which I have acquired by purchase from Levi Newborn, from the heirs of Robert Withington and others adjoining the lands and plantation called Monticella given to William W. Garraway by the last will and testament of his grand father, Lewis Whitfield. I also give him (my son William) the following negroes, viz, Ben, Phillis, Mariak, Luke, Fannah, Sarah Kollon, Mordotta, Matilda, Duke, Joe, Linda Mourning, Billy, Becky, Stephen, Jona, Luther, Vicer, Albert, Branda, Shade, George, son of Phony, Luther, Vicer, Albert, Branda, Shade, George. Of Phony now hired to S. S. Garraway in Alabama, Sam also at the same place, Abby Bethine, loaned to my wife Octavine, Elias, Dick Whitfield, Gately his wife, Bucky Whitfield Lila Mary, John and old Henry and their increase from this day forward. Also one acre of land at Bectons old field on House River also my household and kitchen furniture including all the silver of every kind, Bed, Bedstead & Bed clothes not given away in another legacy, also one lot in Hookerton Greene county.

Sixthly, I loan to my sister Elizabeth Fullerton and to her daughter, Mary E. Fullerton the following described property to wit, One house and lot in the town of Washington where they now live, which I purchased of Martha Shaw, and the following negroes Lovina, Matilda, Betty, Oscar, Charles and their increase and at the death of Elizabeth Fullerton and Mary E. Fullerton the aforesaid lot and negroes to go to Mary J. Nicholson and her children as expressed. I also loan my sister to E. S. Fullerton & M. Fullerton during their lives negro Man Shade and

George I have given to Wm. W. Garraway, as above expressed. Now my son William can keep the said negroes Shade and George provided he pay yearly two hundred and fifty dollars to my sister, E. S. Fullerton and M. E. Fullerton during their lives other wise the said negroes are to be hired out for their benefit.

Seventhly, I give and bequeath unto Sarah M. L. Williams one lot of land in the town of Paradise in Bartlett county designated in the place of said town as No. 25.

Eighthly, I give and bequeath unto cousin Louise Curraway five hundred dollars to be paid by executors out of my estate, also one bed, bedstead & furniture.

Now my dear children I have divided between the little property I possess. Let me entreat you to live in peace with each other and with the world. May the God love and peace be with you and let me also request you to treat kindly the slaves I have given you. They have rights it is your duty to protect them in the enjoyment of them. Fulfil faithfully every thing which is your duty to confer. In return they will be more cheerful and obedient towards you. Protect them I beseech you from the hand of oppressors.

Lastly, I appoint my friend Saul S. Biddle and William W. Garraway (provided William should be twenty one years old) my executors to this my last will and testament. Signed and sealed this twenty eighth of January in the year of our Lord one thousand eight hundred and fifty six

Witness
R. F. Bright }
J. W. Bright }
Smoad B. Garraway (Seal)

Codicil

Whereas I, Smoad B. Garraway of county of Lenoir and state of North Carolina have made my last will and testament in writing bearing date January 28th one thousand eight hundred and fifty six in and by which I have directed my executors to pay to my wife Sarah, fifteen hundred dollars for the purpose of repairing and furnishing the house at Brandon Wake county. Now therefore I do by this my writing which I hereby declare to be a codicil to my said last will

and testament and to be taken as a part thereof, order and declare that will is that the sum of seven hundred and fifty dollars shall be paid by my executors to my wife Sarah to finish the improvements and furnishing the house at Brandon Wake county the chief part having already been done.

To my last will and testament dated as aforesaid, I appointed my son Wm. W. Carraway one of my executors provided he should be twenty one years old at my death. I now revoke said proviso and appoint him ^{healy} one of my executors without provision or limitation, my will and desire is that the affairs of my plantation continue as they are, go on and cultivate the crop and not have a sale till the crop is housed. In witness whereof I have hereunto subscribed my name and affixed my seal the tenth day of March one thousand eight hundred and fifty eight.

Snoad B. Carraway, decd.

J. Scott
J. C. Taylor }

State of North Carolina }
Lenoir County } I, H. Hunter clerk of
the court of Pleas and Quarter Sessions for the county
aforesaid do hereby certify the foregoing to be true copy
of the last will and testament of S. B. Carraway and
also the codicil as found on file in this office in
In testimony whereof I have hereunto set my hand
and affixed the seal of said court at office in Hunter
the 25th August 1858
(L. S.) H. Hunter clerk.

North Carolina } Before
Lenoir County } E. W. Piggell, Clerk.

In the matter of the }
last will and testament of } Judgment.
Snoad B. Carraway, decd. }

This cause coming on to be heard upon the petition
of Henry Gray, and it appearing to the court from

the affidavit of R. F. Bright, Wm. W. Hunter, and
H. B. Fiddle herewith filed that the certified copy of the
last will and testament of Snoad B. Carraway, decd.
is a true and perfect copy of the last will and testa-
ment of the said Snoad B. Carraway, decd. and it
further appearing to the court that the original last will
and testament as aforesaid with the records thereof
have been destroyed by fire. It is therefore ordered and
adjudged by the court, that the said certified copy of
the last will and testament be recorded and filed in
the office of the clerk of the superior court of Lenoir
county North Carolina as the last will and testament
of the said Snoad B. Carraway, decd. together with these
proceedings
Sept. 1, 1858.

E. W. Piggell
Clerk Superior Court.

Recorded in the office of the clerk of the superior
court of Lenoir county, this, Sept. 5, 1858.

E. W. Piggell
C. C.