

Whitfield Grady.

Hill.

North Carolina, } Probate Court.
 Lenoir County. } Oct 27th, 1880.

In the matter of
 Elisha Grady, Executor of }
 Whitfield Grady, decd. }

Your petitioner sheweth:

1 That a paper writing purporting to be the last will & testament of Whitfield Grady, decd, was found among his papers, leaving Elisha Grady the executor, dated with day, of December, 1874, witnessed by Hogan Smith who is now dead, and J. G. Cox, who is living.

2 That the personal Grady of said Whitfield Grady, decd. is worth about \$15000, and the real estate about \$20000 which is left to Nancy Grady, Susan Grady & William Whitfield Grady, this wife's life estate on the lands devised to the said children and the other parties interested in said will and testament are as follows:

John H. Grady, Charity Smith, Charlotte Waller, Elizabeth Becton, Elisha Grady, James B. Grady, Sallie Cuthlaw, George H. Grady, Lewis Grady, Nancy Grady, Buckham Grady, Susan Grady - heirs at law of said Whitfield Grady, decd, who mostly reside in Lenoir County - all residing in North Carolina.

3 That your petitioner is the executor & one of the legatees in said will.

Wherefore your petitioner asks that the will & testament be probated according to the rules of the Court, & the petitioner herewith presents the witnesses to said will & that letters testamentary be given him.

Sworn & subscribed to by }
 fore me, this 27th Oct, 1880 }
 W. H. Hunt, }
 Probate Judge. }

North Carolina, } Probate Court
 Lenoir County. } Oct 27th, 1880.

In the matter of
 Elisha Grady, Est. }
 To the Court }

A paper writing purporting to be the last will & testament of Whitfield Grady, decd, is exhibited before me, the undersigned, Judge of Probate for said county, by Elisha Grady, the executor therein named, and the due execution thereof, by the said Whitfield Grady, by the oath and examination of R. W. King, J. G. Cox & the affidavits filed as to the signature filed as to the signature of said Hogan Smith, deceased, the subscribing witnesses thereto, who being duly sworn, doth depose and say and each for himself, that he is a subscribing witness to the paper writing now shown him purporting to be the last will & testament of said Whitfield Grady, deceased, that the said Whitfield Grady in the presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid & which bears date of the 14th day of Dec. 1874. And the deponent further saith that the said Whitfield Grady, 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 & testament & this deponent did, thereupon, subscribe his name at the end of said will as an attesting witness thereto, & at the request and in the presence of said testator. And this deponent further saith that at the 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 Whitfield Grady 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.

J. G. Cox, (Sworn)
 As to the signature of Hogan Smith who is a subscribing witness thereto, the following affidavit is filed by J. G. Cox. And as to the handwriting of the testator that of R. W. King.

North Carolina, } Probate Court
 Lenoir County. } Oct. , 1880.

In the matter of
 Elisha Grady
 To the Court

J. G. Cox being sworn, says that he saw the writing of

the last will and testament of Whitfield Grady, dec'd, and that he and Hogan Smith witnessed said last will and testament in the presence of said Whitfield Grady, and that he knows, of his own knowledge that Hogan Smith (now dead) did make his mark to his signature which he signed as a witness to said will & testament.

J. G. Cox.

Sworn & subscribed to
before me, this day
of October, 1880.

Sworn to and subscribed
before me, Oct 27, 1880.
W. H. K. Hunter,
Probate Judge.

North Carolina, } Probate Court.
Lenoir County, } Oct. 1880.

In the matter of
Elisha Grady, Ex'r }
To the Court.

R. W. King, being sworn says:
That he is acquainted with the handwriting of Whitfield Grady, dec'd, and that the signature which is signed to a paper purporting to be his last will & testament is his genuine signature and handwriting to the best of his knowledge & belief, having been acquainted with the dec'd and his handwriting for several years.

Sworn to &c.,
Oct. 26, 1880.

R. W. King.

Lenoir County Probate Court. Oct 27, 1880.

On reading and considering the application of Elisha Grady, to admit a paper writing purporting to be the last will and testament of Whitfield Grady, dec'd, to probate, and to be qualified as executor thereof, according to the appointment thereby made, and having examined on oath J. G. Cox, one of the subscribing witnesses thereto, Hogan Smith, the other subscribing witness being dead, and having examined

R. W. King as to the handwriting of said Whitfield Grady, dec'd; It is adjudged that the said paper writing is the last will and testament of said Whitfield Grady, dec'd, and the same, as such, is ordered to be recorded and filed.

And thereupon, Elisha Grady, the executor aforesaid, comes forward and takes and subscribes the following oath:

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

I, Elisha Grady, do solemnly swear that I believe this writing to be and contain the last will and testament of Whitfield Grady, dec'd, 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.

Sworn to and subscribed
before me, this day of
October, 1880.

W. H. K. Hunter,
Probate Judge.

whereupon letters testamentary are issued to said Elisha Grady, as executor of said last will and testament.

W. H. K. Hunter,
Probate Judge.

I, Whitfield Grady, 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, howsoever and whomever owing, out of the moneys that may first come into his hands as a part or parcel of my estate.

Item. I do give and devise to my beloved wife a certain tract of land on the south side of Big branch running through the plantation, to be bound as follows- beginning at the west end of the lane at a old ditch thence running down and near west to its first corner, thence near north down said ditch to where it empties into another ditch which is the street

ditch, thence down the stream ditch which is the run of Big branch—thence with the various courses of said branch (making the run the line) to where it empties into the South West creek run—thence with my old ^{path} line up South West creek to the mouth of the old mill branch, thence up the said branch to the mouth and with the big ditch up to the public crossing place Durham Grady's line (this is the big path) thence with my lane to the beginning, supposed to be seventy-five acres, more or less, so as to include my mansion house, all out houses and improvements, to have and to hold to her the said Nancy J. Grady for and during the term of her natural life in satisfaction for and in lieu of her dower and thirds of and in all my real estate.

Item— I give and devise to my daughter, Nancy Grady a certain tract of land known as the Creek Field, bounded as follows, viz: Beginning on the big path at the ditch leading down big branch, thence along the big path leading to the Wilson place to Lewis Grady's line thence near west with the said Lewis Grady's line and with his line to the run of South West creek, thence up the run of said South West creek to the mouth of big branch with the various courses of said big branch run to the beginning, supposed to contain seventy-five acres more or less. To have and to hold to her and her heirs in fee simple, forever.

Item. 3^d. I give and devise to my youngest daughter, Susan Grady, all the tract of land whereon I now live except the life estate of my wife loaned in a former item of this my will to have and to hold to her and her heirs in fee simple forever.

Item 4. I give and devise to my grand son, ^{William} Whitfield Grady a certain tract of land known as the Frank Jarron place described as follows, viz:

Beginning at a pine near the old pond Durham and George W. Grady's corner, thence running with Durham Grady's line near west to the north end of my lane, partly with an old ditch, thence down the old ditch to the first corner of said ditch, thence down the said ditch near north until it empties into the main branch ditch, thence down the said ditch a short distance to the old crossing place which is on the old path leading to the Wilson place to Lewis Grady's

thence near east with Lewis Grady's to George Grady's line thence with George W. Grady's line near south to the corner of an old ditch, thence up the said branch near south, crossing the big path leading from my house to Kinston, thence to the beginning, supposed to be fifty acres, more or less.

It is my will and desire that if my said grandson, William W. Grady die before he arrives at the age of twenty-one, without any lawful heir or heirs of his body, that the above mentioned property that I give to W. W. Grady, shall be equally divided between all of my lawful heirs. Otherwise, the said W. W. Grady, to have and to hold his heirs in fee simple forever.

Item 5. It is my will and request that thirty-five yards by thirty-five yards square (the present grave being the center) be kept and reserved as a burial place for my entire family. And I hereby request my trusty friends, Elisha Grady and Haywood Waller to take care and look after the above family grave yard.

And lastly, I do hereby constitute and appoint my son, Elisha Grady, 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 void, all other wills and testaments by me heretofore made.

Item 6. It is my will and desire that my executor sell at public sale according to law all my property not mentioned in this my last will and testament and the money to be equally divided with all my lawful heirs after paying all just debts.

In witness whereof I the said Whitfield Grady do hereunto set my hand and seal, this 14th day of December, A. D. 1874.

Whitfield Grady. (Seal)

Signed sealed, published and declared by the said Whitfield Grady to be his last will and testament in the presence of us, who at his request and in his presence do subscribe our names as witnesses thereto.
Hogan & Smith.
James G. May.

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