

Probate of Mrs J Hymans will

State of North Carolina, Court of Pleas & Quarter Sessions,
Martin County, October Term 1863 -

Then was the due execution of the foregoing last will and testament of Mrs J Hymans deceased, proved in open Court by the attestation of Thomas Hines, A P Hymans and George W Hymans, all subscribing witnesses thereto, and ordered to be recorded, Mrs Henrietta Hymans the executrix therein named was qualified as executrix thereof and took the prescribed Oath. *Wm H Harrell Clerk*

Henry B Smithwick's Will

State of North Carolina, I Henry B Smithwick of said State and Martin County, County, being of Sound Mind & Memory, but considering the uncertainty of my earthly existence, do make and declare this my last will & testament in manner & form following - viz, that my executor hereinafter named shall provide for my body a decent burial suitable to the wishes of my friends and pay all such expenses, together with my just debts. I then bequeathed unto my sister Louisa Harrell all I possess of every thing & kind during her life or widowhood, after either of which events taking place I give unto my Nieces, Mary Elizabeth Harrell, Ann Harrell and my Nephews, Robert Harrell & Thomas Harrell, the whole of my estate of every kind and Nature to be shared equally between the four Nieces & Nephews before said, and I do hereby constitute and appoint my Nephew Wm H Harrell my lawful executor to all intents and purposes, to execute this my last will & testament, according to the true intent & meaning of the same, and every part and clause thereof, hereby, revoking and declaring utterly void all other wills & testaments by me heretofore made.

In witness whereof, I the said Henry B Smithwick do hereunto set my hand and seal this 5th day of Oct. 1858

In presence of
D. W. Bagley
A C Williams

H B Smithwick Seal

State of North Carolina, Court of Pleas & Quarter Sessions,
Martin County, October Term 1863

Then was, the foregoing paper writing, purporting to be the last will and testament of Henry B Smithwick deceased, produced in open Court and the due execution thereof by said H B Smithwick duly proved by the Oath and examination of A C Williams a subscribing witness thereto; whereupon it is considered by the Court that said paper writing and every part thereof is the & is a last will and testament of said H B Smithwick sufficient in law to pass both real & personal property - Ordered by the Court that said will together with this probate be recorded; and Wm H Harrell the executor therein named comes into open Court and is duly qualified as such, by taking the Oath required by law. *Wm H Harrell Clerk*

Jesse Kiff's Will

I Jesse Kiff of the County of Martin 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 & testament in manner & form following, that is to say?

First. That my executor hereinafter named shall provide for my body such burial as she may think proper according to the circumstances a & times well admit and pay all funeral charges, together with my just debts however and to whomsoever owing out of the moneys that may first come into his hands as a part or parcel of my estate. I then I have in possession of my beloved wife Harriet Kiff one Negro Girl Mariah aged eight years for her to use and keep and hold until Zebulon M Whitehurst becomes to the age of twenty one years of age at which time she may pay to the said Zebulon M Whitehurst and Martha E Cooper five hundred dollars each or if she the said Harriet Kiff die before she may sell the said girl Mariah as soon as any and divide the same equal between the said Zebulon M Whitehurst & Martha E Cooper, and in case the said girl Mariah die or go to the Banks and get beyond the reach of my Executor I desire that she be released all together from the obligation to pay anything whatsoever and the goes to be on the two children Zebulon M Whitehurst and Martha E Cooper

Item I give the balance of my estate both real and personal lands and tenements, personal and stock, chattels, and goods, household & kitchen furniture, farming utensils and tools of every kind or denomination of whatsoever kind or sort to my beloved wife Harriet Kiff for her life. Lastly, I do hereby constitute and appoint my beloved wife Harriet Kiff 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 Jesse Kiff do hereunto set my hand and seal this 25th day of June 1863 *Jesse Kiff Seal*

Signed sealed, published and declared by the said Jesse Kiff to be his last will & testament in the presence of us who at his request and in his presence did subscribe our names as witnesses thereto

James L J Harrell
J R R Sherris -

State of North Carolina, Court of Pleas & Quarter Sessions,
Martin County, October Term 1863

Then was the due execution of the foregoing last will and testament of Jesse Kiff deceased, proved in open Court by the Oath and examination of James L J Harrell and J R R Sherris the subscribing witnesses thereto - Ordered that that the said will with this probate be recorded Harriet Kiff the executrix therein named comes into open Court and is qualified as executrix, by taking the Oath prescribed by law. *Wm H Harrell Clerk*