

January Term 1839

State of North Carolina Martin County
 Matthew County
 Term 1839

The undersigned has taken the oath of the last mile and Testament of John H. Hollingsworth, exhibited in open Court & sworn in due form of Law - of the said of Thomas James a subscribing witness thereto recorded to the records -

Whereupon Charles Lewis Perkins the Executor thereof named appears in open Court & qualifies to the same -

Test J. W. W. C. K.

State of North Carolina Martin County

In the name of God, Amen -

I Joel Smithwick being now far advanced in life and in a low state of health, but thanks be to God of perfect mind and memory, and calling to mind the mortality of my body, am persuaded that it is appointed for all men once to die, do make and signify this my last Will and Testament, that is to say, principally and first of all, I give and recommend my soul into the hands of God that gave it and my body I recommend to the earth to be buried in a decent Christian manner at the discretion of my Executors - nothing doubting but at the general resurrection I shall receive the same again by the mighty power of God, and as touching such worldly estate as shall please Almighty God to bless me in this life, I give, devise and dispose of in the following way and manner, that is to say -

I give and bequeath to my dear beloved son James M. Smithwick his heirs & assigns the following property, viz. the negro man name William, and also negroes Joe Cook and Young Cook and Young and Munk and Wesley and Amos, and also the following tracts or parcels of Land, viz. all the Traded tract of Land owned by me, also the William Smithwick tract of Land as for Sheriff and also one piece of Land beginning at the mouth of the inside of the new landing, thence running up the Swamp Land, but at the new landing, thence running up the Swamp Land, between the Turkey Trap ridge and the inside of the Turkey Trap ridge, thence along the said line to John J. Smithwick's line, thence along the same to the Don't Club, opposite the mouth of the said Creek, thence down said Club to the first station containing one hundred acres, more or less, also one tract of Land lying on the North side of the Redhook River, opposite the mouth of the said Creek, which I purchased of John G. Gordon and others containing fifty acres, more or less, also a certain nook of Land lying in the town of Williamsburg, lying in the main or principal street leading to the Court House, near of Thomas Blacksmith Shop, and one small parcel

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appears by reference to deed of the Commissioners of said Town to

Exors Smithwick in
 I give and bequeath to my beloved daughter Eleanor Smithwick, the following property, viz. my negroes Liza, Sarah, Fanny, Peter, Saml, and Chas, together with the use of my land and Plantation and all lands adjoining, including the Brick house field and the Reddy Field, and the old house field and two new house fields, the Pine Island, Wood place and Turkey Trap Ridge field with the privilege of cutting timber on the lands adjoining to upland bones, and to get through the lands to and from the said land, until my son John Smithwick arrives at twenty one years of age, but if my daughter Eleanor should die or marry before my son John becomes twenty one years old, then my wife and desire that the aforementioned land and Plantation and Lands (the use only of which I have sold to Eleanor) be rented out annually by my Executor and the people lawfully divided between all my living children, but the above mentioned negroes I give to my daughter Eleanor Smithwick and her heirs forever.

I give and bequeath to my beloved daughter Deborah C. Robinson and her heirs forever my negroes Joe, Fanny, Fanny, Christy, and I shall also give unto her during her own natural life, and if she has any living, him or him I give to her forever. I reserve lots of Land and all improvements in the town of Williamsburg, lying on the main street between the Lot of W. Martin and I. B. Smith, given to me by the name of the Joe and John Lot, but if my daughter Deborah should die without leaving lawful issue of her body it is my will and desire that they be divided equally between my children James and Eleanor Smithwick. I give and bequeath to my dear beloved daughter Elizabeth Smithwick and her heirs & assigns the following property, viz. my negroes Levi, Rose, Clancy, Abby and John and Abby -

I give and bequeath to my dear beloved daughter Frances Smithwick and her heirs & assigns the following property, viz. my negroes Isaac, Wesley, Mary, Nathan and John -

I give and bequeath to my beloved daughter Harriet Smithwick and her heirs & assigns the following property, viz. my Abell, Sally, Peter, Emma and Dickie -

I give and bequeath to my beloved daughter Margaret Smithwick and her heirs & assigns the following property, viz. my Negroes Thomas, (Wesley, Fanny, Peter, Emma and Matilda) -

I give and bequeath to my dear beloved son Joel Smithwick his heirs & assigns the following property, viz. my negroes Joe,

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Marshall, Pen, Laverna and Eliza, and what he becomes of age
It is my will and desire that he shall have and use one half
of my house, Plantation and Lands, which I leave to my
daughter Eleanor, - and at the death or marriage of said
Eleanor, I do give and bequeath to her, my son Joel and his
heirs for ever, all the above said House, Plantation and Lands.

It is my will and desire that my Executor shall dispose of my
stock of Cattle, Horses and Hogs in the following manner, to wit:
I give unto my children one good cow and calf each, and I
desire that three thousand pounds of Pork be killed of my Hogs
and laid in for the support of my children who now live with me
and I do will and desire that my two mules and little mare
and my Saturday Horse be kept in the Plantation, for the use
of my children so long as they are contented to live together.
But if they should not continue living and keeping peace together
I will and desire that the said four Horses and Mares be sold and
the money divided equally between my aforesaid children.
And I do will and desire that all the balance of my Cattle
Horses and Hogs be sold by my Executor and the money arising
from the sale of the same be applied to the payment of all my
just debts, and all the balance after my debts are paid I
give as bequeath to my children for ever.

I also will and desire my Executor to collect all my notes
accounts due and apply the same to the payment of my
just debts, if there is not enough in them I do will and
desire that my Executor should sell all my perishable Estate
not given away herein by me and apply the money likewise
to the payment of my debts if it is needed. But all the surplus
money arising from the collection of my notes accounts due and
from the sale of my perishable estate not by me given away
in this my will I do give and bequeath to be divided equally
between all my children. - If there should be thought to be by
my Executor more good Cattle, Horses and Hogs than is necessary to
support my family this coming year, I do will and desire
that the same should be sold by my Executor and the money
arising from the sale applied in the same way and manner to the
sale of my perishable property.

I give and bequeath to all my children One Bedstead and
furniture each.

I give and bequeath to my son Joel Smithwick a certain tract
of Land lying in the Town of Guilford, adjoining the Lands of Peter &

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I think, containing One Hundred acres more or less, but if my son
Joel should not live to become twenty one years of age I give and
bequeath the said hundred acres of Land to my son James M.
Smithwick and his heirs for ever. I also give and bequeath
to my son James a certain tract of Land lying in the west side
of Speller's Creek adjoining the Land of the Heirs of Edmund
Smithwick deceased, containing Fifty acres and also my own part
and the part of Brother John Smithwick which I bought
likewise of a tract of Land lying in the east side of Speller's Creek
which will more fully appear by reference to my Father's will.
I give and bequeath to my daughter Eleanor Smithwick the use
of my long woods tract of Land during her natural life and if
she should have any living child of her body I give her the same
tract of Land containing One Hundred acres for ever, but if she
should die without any body inhering then I give and bequeath
the same to all my other children.

+ I give and bequeath to my son Joel in the said way and manner
I give my Aforesaid Plantation and Lands the Twenty four acres of Land
or fifty Dollars worth of the same I bought of Mr. Smithwick.

And I do hereby empower and appoint James M. Smithwick
and Eleanor Smithwick my sole and only Executors to execute
and perform this my last will and Testament truly according
all other and lawful Wills by me at any time made. In testimony
whereof I have hereunto set my hand and seal in the
Twenty fifth day of November 1838. One Thomas Smithwick
and thirty eight, Signed Sealed, published and declared in
presence of us and the Notary.

Witness

Reuben Morgan
John D. Jones

Joel Smithwick Deeds

In connection and addition to the foregoing Will and Testament
I do hereby nominate and appoint James M. Smithwick and
Eleanor Smithwick my Executors to be Administrators
at Law of all my minor children until they individually
become of age - also it is my will and desire that the will of my
Father John Smithwick late of Edmund be a valid or guide to
which reference may be had from time to time relative to executing the
provisions contained in of the several tracts and parcels of Lands given
away by me in the foregoing will and Testament, - also I give
and bequeath to my son James ten certain lots of Land lying in
the Town Smithwick tract of Land known by number eight and
nine.

Witness

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I have arrived I have in addition to the above mentioned decesses I have made and obtain my last Will and Testament hereby working all other and former wills by me at any time heretofore made.

In witness whereof I have hereunto set my hand and seal this 1st day of December A.D. 1838.

Signed, Sealed, published
and declared in presence
of the Testator and us

Witnesses
Clayton Moore.

Phil Smithwick, Dece.

State of S. Carolina, Court of Pleas and Quarter Sessions
White County, 3rd Term 1839

The foregoing paper written purporting to be the last Will and Testament of Phil Smithwick was produced in open Court & proved in due form of Law by the oath of Clayton Moore a subscribing witness thereto & ordered to be recorded.

Whereupon James W. Smithwick one of the Executors therein named appeared & qualified & executed the same.

Just J. D. Riggs Ck.

In the name of God Amen I Sally Hopkins of the family Martin & Son of North Carolina do make and obtain my last Will and Testament, in married and form following, to wit:

I give and bequeath to my daughter Christiana Mitchell two hundred and twenty five dollars to be paid her in money or its equivalent out of my Estate.

I give my grand daughter Nancy Mitchell my bed and its furniture.

I give my son in Law John Oliver one dollar to him & his heirs.

I give to my daughter in Law Sally Hopkins one dollar to her and her heirs.

I give to my son William Hopkins's heirs one dollar.

I give all the Residue of my property I give to my daughter Christiana Mitchell.

I do hereby nominate John Jones sole Executor to this my last Will and Testament hereby working all other and former wills

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by me at any time made heretofore. In witness whereof I have hereunto set my hand and seal this 24th Feb. 1839.

Signed and Sealed
in presence of us
Geo. Smithwick
Chas. Mitchell

For Sally Hopkins Dece.
C. Smithwick

State of S. Carolina, Court of Pleas and Quarter Sessions
White County, 3rd Term 1839

The foregoing paper written was exhibited in open Court & the deed execution thereof proved by Daniel Smith one of the subscribing witnesses thereto & ordered to be recorded. Whereupon John Jones one of the Executors therein named appeared & qualified & executed the same.

Just J. D. Riggs Ck.

In the name of God Amen.

I being weak in body but sound in mind have this day the 1st of February in A.D. 1839 made and obtain my last Will and Testament in form as follows.

I give unto my Grand son Levi Howard one Bed and furniture and 1 large Chest, all of which stands up my stairs also one Mule, also Eight Hundred dollars in cash or good notes of hand, the above to be all my Legacy to my said Grand son Levi Howard.

I give unto my son as follows.

I give and bequeath unto my Grand son Thomas Howard one Bed and furniture standing in my parlor, also one Blue Chest also one Walnut folding Table, also Three hundred Dollars in money or good notes of hand, the above to be all my Legacy to my said Grand son Thomas Howard.

I give unto my son as follows.

I give and bequeath unto my Grand daughter Elizabeth Manning one Bed and furniture standing in the Red Room, also one Walnut Table, folding, also one Blue Chest, and Three Hundred dollars in money or good notes of hand, the above to be all of my Legacy to my said Grand daughter Elizabeth Manning.

I give unto my son as follows.

I give and bequeath unto my loving daughter Elizabeth Howard one Bed, also one high end and bottom in it, also one small Mahogany Table, also my half dyed black flag bottom Chair, also one Bed and furniture standing in the Red Room, also one Chest.