

April Term 1855

direction, and the money arising from all such sales to be applied to my debts or legacies. For my desire that Mr. Sellen White should attend to the burial and erecting of said Pillar according to the instrument of writing and to be Moderately paid for his trouble if my Executors should refuse or neglect to comply with the instrument of writing, they shall forfeit their legacies, and the amount shall be applied to the rest of my legacies. It is my wish after paying all my just debts and expenses if there be any thing left it is my wish for it to be paid in pro rata amongst my legacies. And my further wish and desire that my Executors should not offer this instrument of writing for probate, under seal, within the after my death to probate and sell, hire, collect and pay as though this was recorded as they seem to think best and prudent. I do hereby appoint my twenty and twenty friends Solomon S. Mann & Mordick Whitcomb Executors to this my last will and testament. In witness whereunto I set my hand & seal this 15th day of January 1854.

Wm. S. Mann
Wm. Whitcomb

B. M. Whitcomb

For probate and qualification of Executors
in minute book of this term

L. Johnson clerk

July Term 1855

In the name of God amen. I Luke Smithwick of the County of Martin and province of North Carolina calling to mind the mortality of the body and knowing that it is appointed for all men once to die do make & ordain this my last will & testament in manner and form following. My Wife & friends of the County of Martin into the hands of Almighty God that give it my body to be decently interred at the discretion of my Exors. used as touching such worldly estate as it hath pleased God to bless me with I will & bequeath in manner following. My Son I will & bequeath to my Son Joel one Negro boy or tract of land beginning at a pine Smithwick & Peat Corner thence down the various Courses of the track to the mouth of a small branch so as to include the Harris Cabin Island thence the Meanderings of the branch to Laniers line thence along Laniers line to a pine Corner thence along Perry's line to John Reddick's line thence the various Courses of his line to the first Station (one acre excepted) one Cor. & half one Rod & four tenths I give to my Son Humphrey one hundred & fifty acres of Land lying on the west side of the little Creek one Cor. & half one Rod & four tenths. Item I give to my Son John the Manor plantation whereon I live one Cor. & half one Rod & four tenths my will and desire is that my wife should have the use of all the land during her lifetime or widowhood. Item I give to my daughter Polly one Negro Boy called Ben one Cor. & half one Rod & four tenths. Item I give to my daughter Nancy one Negro Boy called Harry one Cor. & half one Rod & four tenths. Item I give all the remainder of my property both within door & without to my loving wife during her lifetime or widowhood provided it is thought by the Exors to be a prudent application of the property to the use of the family. My will & desire is that if my Negroes should increase sufficient that my boys should have a young Negro a piece and the remainder if any to be equally divided among them all. My will and desire is that my Negro land should be sold by my Exors to the best advantage and the money so arising to pay my just debts and the remainder if any to be put to the use of my family. I likewise One title I appoint my loving friends Edmund Smithwick & Jacob Perry my whole and sole Exors to this my last will & testament as an nullifying all others by me made in witness whereof I have hereunto set my hand & seal this 30th day of March in the year of our Lord One thousand Eight hundred and six.

Luke Smithwick

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Will

Wm. Niggle

Wm. Niggle. The foregoing will of Luke Smithwick was proved in open Court by the oath of Wm. Niggle the Subscribing witness. Wills and in Motion orders to be recorded. Test. John B. Hunter Clerk.

State of North Carolina

Martin County Court, July Term 1855
Upon Motion it is ordered by the Court that L. Johnson the present Clerk of this Court record a paper writing purporting to be the last will & testament of Luke Smithwick D.C., which was proved at June Term 1856 of Martin County Court.

L. Johnson Clerk

In the name of God Amen

I Arthur J. Moring do make and publish this my last will and Testament being of sound disposing mind and memory

First I wish and direct that my Corps now situated be buried in the grave under the direction of my father and under his supervision

Second. Out of the crop thus made and matured I wish and direct that a sufficient sum be set aside for the support of my wife and family for one year.

Third. I am now in debt to my father for money borrowed and the same is unsettled between us and I cannot specify the amount or balance due him but I wish him to release out of the crop thus set aside to my wife the sum of two hundred dollars for her own subsistence and the interest which I think will be less than I can have but with which he will be satisfied.

Fourth. Out of the crop aforesaid I wish and direct my father to pay all the expenses incurred in executing the same including the compensation of the witness.

Fifth. I owe my sister in Law Mary Moring for the hire of me of her negroes I have paid and promised her somewhat and the amount is unsettled between us. She and her family form part of my family and they are to be supported as a portion of my family and after such support for the balance of her year. I think the sum of four hundred dollars will be about the balance due her and I hereby acknowledge and direct to the same shall be paid.

Sixth. I hereby appoint my father John Moring executor of this my last will and Testament and I would wish that he should see to it that the same be duly executed and I have made with the Court of this State in the presence of not less than three

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giving ample security and the reason I prefer this course is that he will in my opinion do it well and his charges therefor will not be so large.

In witness whereof I have hereunto subscribed my name and affixed my seal this 2^d June 1855

Witness present and published by the Court Arthur Moring as his last will and Testament in my presence who signed the same in his presence and by his request

A. Cabell
J. B. Harrison

Admoring Clerk

State of North Carolina

Martin County Court, July Term 1855

Then was the foregoing paper reading purporting to be the last will and Testament of Luke Smithwick admitted in open Court and the due execution thereof according to law as the last will and Testament of the said Moring was proved by the oath of J. B. Harrison one of the subscribing witnesses thereto and in Motion it is ordered to be recorded. In his testimony the said Moring named appeared in Court and qualified to execute said will according to law at the same time appearing to the Court by satisfactory evidence that Martha C. Moring the widow of said Luke is so indisposed as to be unable to attend Court in person it is ordered by the Court that she be permitted to enter her dissent to the Will of her husband by Attorney. Whereupon Asa B. Biff attorney of the said Martha C. Moring appeared in Court and the dissent of the said Moring to the said will is now entered of record by his request made in her behalf.

L. Johnson Clerk