

State of North Carolina
Montgomery County

I James Patton of Montgomery County and State aforesaid 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 (herein after 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 however or whomever owing out of the money that may first come into his hands as a part or parcel of my estate.

I then do give and bequeath to my beloved wife Eliza Ann all my lands consisting of between five hundred Acres to hold during her natural life including the lands above I now live so as to include my residence house and improvements to them and to hold to her the said Eliza Ann Patton for and during the term of her natural life in satisfaction for and in lieu of her dower and third part in all my real estate.

I then do give and devise to my grand son Thomas James Edward Patton the sum of twenty five dollars.

I then do give and bequeath after the death of my wife Eliza Ann to each of my children Elizabeth Catharine M. Dennis and Barbara Ann Patton and the heirs of David O. Patton all my property both personal and real to be equally divided between them except the heirs of David O. Patton who having already received an advancement to the amount of two hundred and five (\$105) dollars after my two daughters Elizabeth Catharine M. Dennis and Barbara Ann shall have each received to the amount of one hundred and five dollars then if there be any remainder to be equally divided between Elizabeth Catharine Barbara Ann and the heirs of David O. Patton.

I then do give and bequeath to my said beloved

wife Eliza Ann all my house hold and kitchen furniture all my stores consisting of hay & sheep and cattle of all kinds cows and two head of horses wagon and buggy and farming utensils to have and to hold forever to her the said Eliza Ann Patton & her heirs and assigns -

I then do will and devise that all the residue of my estate (if any) after taken out the debts and claims above mentioned including notes and debts owing to me and be paid over to persons holding claims against me after paying my just debts if any thing remains to be given to my beloved wife Eliza Ann by my executor herein after mentioned -

And lastly I do hereby constitute and appoint my trusty friend Daniel D. Ewing and wife Eliza McCoy 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 a null and void all other wills and testaments by me heretofore made in witness whereof I the said James Patton do hereunto set my hand and seal this December the 17th 1850.

James Patton (Seal)
Signed sealed published and declared by the said James Patton to be his last will and testament in presence of us who at his request and in his presence do subscribe our names as witnesses thereto.

Witness of W. D. Brothick
W. D. Garbrough

State of North Carolina In the Probate Court
Montgomery County

A Paper writing purporting to be the last will and testament of James Patton deceased is exhibited before me the undersigned Judge of Probate for said County by Eliza Ann Patton one of the executors therein mentioned

James Patton
Will

the other executor D. J. Living having renounced and the execution thereof by the said James Ballen by the oath and affirmation of W. M. Proctor and W. P. Garbrough the subscribing witnesses thereto. The being duly sworn doth depose and say and each for himself deposes and saith that this a subscribing witness to the paper writing now shown him purporting to be the last will and testament of James Ballen that the said James Ballen in their presence of this deponent subscribed his name at the end of said paper writing which is now shown as aforesaid and which bears date of the 17 day of December 1882 -

And the deponent further saith that the said James Ballen the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing to be subscribed by him and exhibited to be his last will and testament and this deponent did thereupon subscribe his name at the end of said will as an attesting witness thereto and at the request and in the presence of the said testator. And this deponent further saith that at the said time when the said testator subscribed his name to the said will as aforesaid and at the time of the deponent subscribing his name as an attesting witness thereto as aforesaid the said James Ballen 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. Legally sworn and Subscribed this 20th day of November 1882.

W. L. Haddo
Probate Judge

W. M. Proctor
W. P. Garbrough

Ballen Ant.
Hidow of
James Ballen
decent
from will

Montgomery County Probate Court.
In the matter of the Estate of James Ballen, deceased.
Will.

To the Honorable the Judge of Probate Court of Montgomery County, I, Eliza Ballen, respectfully represent that she is the widow of the late James Ballen as the said said deceased made certain provisions for her in his last will, which has been duly found, and allowed, in said Court within six months last past and that she hereby waives the provision made for her in said will & directs from the same and hereby gives notice that she will claim her share in the lands of said deceased and her distributive share & fees allowance of his personal estate.
November the 29th 1882.
Signed in the presence of, C. S. Ballen,
of W. L. Haddo,
Probate Judge.

Montgomery County Probate Court.
In the matter of the will of J. Ballen, late of said County, deceased.
Sarah Bayle, Probate Judge.
Jonathan Bayle being duly sworn doth say that Lydia Bayle late of said County is dead having first made and published her last will and testament and that Sarah Bayle the executrix mentioned is dead that against the next of kin is entitled to letters of administration with the will annexed.
Further that the property of the said Sarah Bayle consisting personally of real estate worth about \$4000 at near or less be ascertained at the date of this application and that Jonathan Bayle, William Bayle Martha Bayle widow of John Bayle and the minor heirs of John Bayle without Surrogate Lydia Jane Bayle Martha Bayle William Bayle all residing in Montgomery County are the parties entitled under said will to the said property.

Sworn to and subscribed before me } Jonathan Bayle
this 20th day of November 1882.
W. L. Haddo, Judge }

Sarah Bayle
Will