

Montgomery County. In the Probate Court.

In the matter of the Will of Jesse Smithman
Before L. C. Wade, Esq. &
Probate Judge.

J. J. Smithman and A. W. E. Copel being duly sworn, do say: That Jesse Smithman, late of Said County, is dead, having first made and published his last Will and Testament; and that J. J. Smithman & A. W. E. Copel are the executors named therein.

Further, that the property of the said Jesse Smithman consisting of personal real and mixed estate is worth about \$50,000.00, so far as can be ascertained at the date of this application; and that Lucie E. Watkins, wife of W. H. Watkins, Samuel J. Smithman, Hannie Copel wife of A. W. E. Copel and Mrs. Hannah C. Smithman are the parties entitled under said will to the said property.

Sworn to and Subscribed
before me, this 15th day of
December 1883,
C. W. Wade, Esq. Probate Judge.

State of North Carolina
County of Montgomery

I, Jesse Smithman of the County of Montgomery 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 executors herein after named shall provide for my body a decent burial, suitable to the wishes of my relatives and friends, pay all funeral expenses, together with my just debts, howsoever and to whomsoever owing out of the first moneys that may come into their hands as a part of parcel of my estate.

Second: I give and devise to my beloved wife Hannah C. Smithman Lot No. 19 in the town of Troy including the residence or manum-house

where I now live and known as the "National Hotel", and all the out houses and other improvements herewith annexed, together with one and a half acres on which are erected the barn and stables purchased from R. H. Simmons also Lot No. 10 in the town of Troy including the dwelling and all out houses above W. H. Buckston now lines and thirty acres of land adjacent to and bounded therewith with all the privileges and opportunities thereto in any wise belonging to have and to hold to her the said Hannah C. Smithman for and during the term of her natural life in satisfaction for and in lieu of her dower and all my real estate.

Third: I give and devise to my older daughter Lucie E. Watkins wife of W. H. Watkins all that tract or body of land known as the old House or Plantation tract on Little River embracing several contiguous tracts as represented by plan and containing about two thousand acres more or less, divided and described as follows:

Viz: 820 acres known as the Allen land, 207 acres as the Lewis Parker land, 106 acres as the Isaac Suggs land, 50 acres as James Hutton land, 171 acres granted to Jesse Smithman, 100 acres granted to Noah, or Jesse Smithman. Also one other 100 acre tract granted to Noah or Jesse Smithman, 200 acres granted to August Martin all of the above described lands lying in the County of Montgomery and valued at the sum of Three Thousand Dollars. Also 15 acres bought of Wesley Lammie adjoining the lands of Jesse Lammie and others, valued at one hundred and fifty Dollars. Also one half of 30 acres bought of Wesley Lammie belonging jointly to W. H. Watkins & myself and adjoining the lands of Jesse Lammie and others and valued at Twenty Dollars.

Also one half interest in the Duly and Davis tract of 35 acres said lands belonging to A. W. They and myself in equal shares and adjoining the lands of W. H. Watkins & others and valued at Twenty Dollars. Also my one half undivided interest in the Saunders Place on Wachapreague River the other one half interest belonging to C. W. Wade, adjoining the lands of John Patton, Wilson Russell & others said lands being the same that were formerly owned by Aaron S. Smith or and sold at Sheriff's sale to satisfy an account

Smithman
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J. J. Smithman
A. W. E. Copel,
Exors.

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Will

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Exors.

and bid off by Noah Smitherman. The said one half interest herein devised amounting to 100 acres and valued at one thousand seven hundred and fifty Dollars.

Also 100 acres bought of Willis Hixley, located near Bearpaw Church adjoining the lands of Valentine Moore and others and valued at one hundred Dollars also one half undivided interest in the 400 acre tract belonging to John L. Hall & myself in equal shares, situated on Little River and known as the "Kennedy old mill place" said one half interest hereby devised being valued at Two Hundred Dollars. Also 500 acres of land bought of B. F. Simmons, adjoining the latter sold mine lands, Kennedy & Simmons land, said tract of land being valued at Five Hundred Dollars, all of the above devised lands lying and being in the County of Montgomery.

Also 75 acres bought of W. L. Lewis and is a part of the old Bellmiller Britt Place near Lawrence Road, reading from Troy to Rathbone, adjoining the lands of Britton Britt and others and valued at one hundred Dollars.

Also 100 acres bought at Sheriff's Sale & known as the Joe Deaton land, adjoining the lands of Duncan Kennedy and others and valued at one hundred and fifty Dollars. Also one half undivided interest in the 100 acre tract belonging to W. H. Watkins and myself and daughter of David England situated on the head waters of Long Branch near the old Britt Lands, said one half interest being valued at the sum of Fifty Dollars. The three last mentioned tracts are situated in the County of Monroe. Also the Larkin Newell Place in the edge of the Town of Troy containing about 27 acres and valued at Six Hundred Dollars also Lot No 25 in the town of Troy as shown by plat of survey of said town where Calvin Monroe did live and where Edmund W. Haire now lives and valued at Three Hundred and Fifty Dollars.

Also Lot No 28 in said Town of Troy together with the meadow and small strip of land around said one a lot, extending to the Academy line adjoining Taylor Wright & others, including the new house built thereon and valued at Four

Hundred & Ten Dollars

My will and desire is that the Real Estate herebefore granted and given to W^m H. Watkins the husband of my said daughter Lou E. Watkins, be considered as an advance ment to her in order to make her portion equal with the rest of my Children. The lands referred to with their value being as follows to wit:

The one half the Nelson Russell mill and land on Wharrie River valued at Seven Hundred Dollars and about 500 acres in around and near Troy valued at one Thousand Dollars.

To have and to hold the various tracts of land herein before described and herein given and devised to her my said daughter Lou E. Watkins her heirs and assigns in fee simple forever.

Fourth I give and devise to my only son Samuel J. Smitherman the following lands to wit:

The Woolver and Saunders lands in the North west portion of Montgomery County in various tracts as follows: 100 acres granted to Immer Beau in Randolph County adjoining the Montgomery line 10 acres of which have been sold. 162 acres known as the Brewer place and perhaps adjoin the above also 100 acres known as the Dutchman place & conveyed together with the above 162 acres by G. C. Wade as Commissioner & also 100 acres known as the Burnett House place, sold by G. C. Wade to Michael Woolver as Commissioner and subsequently sold by him to me. Also 350 acres known as the Ballisatt lands.

Also 112 acres which was owed by Elgiman Saunders to me and the balance about 250 acres was.

Also one half of about 475 acres which was conveyed by Sheriff's deed to me, all the above tracts being adjacent to each other and containing all about 800 acres valued at one Thousand Dollars and are situated partly in Randolph and Montgomery Counties. Also, 225 acres known as the Leo Strickland tract on the eastern of Damon Creek, adjoining the lands of James Reynolds and others. Also 100 acres bought of Gilbert Nicholas also 100 acres bought of David H. Nichols

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W. H. E. Chapel
E. W. S.

Smitherman
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W. H. E. Chapel
E. W. S.

Also 100 acres bought of W. A. Lineberry known as the "see Salaker place" all situate in Montgomery County on the waters of Dunbar Creek and Little River. Containing about 525 acres valued at Six Hundred Dollars.

Also 131 acres on thickety Creek in Montgomery County formerly belonging to the estate of Augustus Martin and purchased by me at Administration sale said tract adjoining the lands of Duncan Parsons and others, and valued at Three Hundred Dollars.

Also the Still McCoy lands in various tracts as follows to wit: 315 acres known as the Richardson place lying on both sides of the Fayetteville and Salisbury Road about 6 or 7 miles east of Troy adjoining the lands of Williams Parsons and others. Also 3 or 1/2 as my delect may be in 640 acres perhaps adjoining the above tract, situate on both sides of the above named Road and in a westerly direction from the above tract. 100 acres bought of Ed. Hurley granted to Lacey Allen, afterwards to Mary Campbell now wife of Calvin Spencer - 240 acres formerly belonging to the John Green estate, sold and bought at Administration sale, and adjoining the above described lands - the several tracts constituting the above body of lands aggregating about 875 acres and valued at 875 Dollars.

Also 80 bought of Britton L. Saunders adjoining the old Betty Carmine's place on the head waters of Robin Creek near Samuel Parsons and valued at Eighty Dollars. Also the Bean Minter Grounds tract bought of John Brookland & Britton adjoining the lands of William Hurley and others containing 128 acres and valued at One Hundred & Twenty Eight Dollars.

Also 1/2 interest in 100 acres known as the Allen Hall lands on the Stead Road valued at Twenty Dollars.

Also 300 acres bought of R. F. Simmons lying on both sides of the Stephens Road on the waters of Bishop's Creek and valued at Three Hundred Dollars.

Smitherman
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J. F. Smitherman
W. H. E. Capel
Esrs

Also 80 acres on Rocky Creek known as the John C. Morris old place adjoining Calvin Morris & others and one other tract adjacent thereto containing 54 acres bought of Calvin Morris both embracing 134 acres and valued at Four Hundred Dollars.

Also 140 acres bought of Jim Bell & wife & Madison Cox wife adjoining Aaron Sumner on south John Smith on the east, known as the Silas Morris place and valued at eight Hundred Dollars.

Also 310 acres bought of J. C. Saunders Administrator of Richard Amey's estate in four several tracts. 100 in the first one hundred in second 58 in the third & 52 in the fourth lying on the waters of Spencer's Creek adjoining Gilbert Hamilton and others, and subject to various taxes valued at Three Hundred and Ten Dollars.

Also 184 acres bought of James B. Bolton lying on waters of Reedy Fork Creek adjoining the lands of W. H. Jordan and its widow Williams, valued at one hundred & eighty four Dollars.

Also 75 acres on Rocky Creek known as the Braint Freeman place adjoining Thomas B. Bolton on the south & W. H. Hookley on the north and valued at one hundred and twenty five Dollars.

Also 120 acres bought of Dr. J. B. McLawrence being a part of the Surfer & Keyser land, on waters of Spencer's Creek being copped on by Harris Johnson and others and valued at one hundred twenty Dollars.

Also 480 acres bought of R. F. Simmons being also a part of the Surfer & Keyser land, and is valued at Four Hundred & eighty Dollars.

Also Nov 26 & 27 town lots in town of Troy as represented by plan of survey of said town, Levi Francis and other appertenant as in and to 200 acres of land purchased with with same valued at nine hundred Dollars.

Also R. F. Hurley's 1/2 interest or 40 acres in the lands of his father's estate, adjoining the lands of Smitherman, to W. A. W. H. Watkins and others on the waters of Spencer's Creek and said interest being valued at Fifty Dollars.

Also 1/2 The Grange Warner Lots No. 1 in the town of Troy and valued at two hundred & fifty Dollars.

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Esrs

residue of my Real Estate whenever found shall be sold by my Executors and the proceeds in money arising therefrom be equally divided and paid over to all and each of my Children in equal proportions share and share alike.

Seventh: My will and desire is that should I conclude to sell and do sell any tract or tracts of land here mentioned and devised and fail to pay over the proceeds in money arising from the sale thereof to that Child or heir at law from whose share or division the particular tract or tracts are taken my Executors shall pay over to such heir or heirs the value of such tracts in money in addition to his or her share of my personal effects hereinafter bequeathed.

Eighth: I give and bequeath to my said beloved wife Hannah C. Smitherman, 1 horse my best Top Suggy, 1 Coll. Horse wagon 2 Cows and calves 10 head of sheep all the House Hogs, and in the assignment or selection of all the articles of personal property in this will bequeathed, my said wife shall be allowed her choice in any and all such classes of property that I may own at my death.

Ninth: I give and bequeath to my said beloved wife Hannah C. Smitherman, all the fixtures, wares, house-hold goods, furniture of all kinds including all house-hold and kitchen furniture which shall at my death be in or about my dwelling-house and premises where I now live, to have, hold, use, and occupy the same to her use and benefit for and during the term of her natural life, and at her death the same to be sold and the proceeds in money to be equally divided among my three Children hereinafter named, share and share alike and to be paid over to each and every of them, their Executors or administrators absolutely forever.

Tenth: I also give and bequeath to my said beloved wife Hannah C. Smitherman,

the sum of Two Thousand (\$2000.00) in money to be paid over to her by my Executors at such times and in such amounts as she may need and upon demand from her. Said legacy to have precedence over any other legacy of my personal effects, herein mentioned.

She shall also be allowed an ample and sufficient amount of any and all crops on hand at my death, consisting of Corn, Wheat, meat or other provisions necessary and convenient for family use as well as a good and ample supply of food for stock of all kinds, for the term of twelve months.

Eleventh: It is further my will and desire that all debt owing to me whomever or from whomever due, be collected and that the surplus over and above the payment of my just debts, expenses and legacies be equally divided and paid over to my said Children in equal portions.

Twelfth: It is further my will and desire that all the residue of my personal property after taking out the debts and legacies above mentioned shall be sold, & after deducting expenses, the surplus shall be equally divided and paid over to my said Children in equal portions share and share alike to them and each of them their Executors administrators or assigns absolutely forever.

Thirteenth: It is further my will and desire that all my stock in Bank, Stock in Sectors not otherwise disposed of and my Life Insurance Policy be divided among my said Children in equal portions, share and share alike, and paid over or assigned to them and each of them their Executors, administrators or assigns absolutely forever.

And lastly, I do here by constitute and appoint my trusted son Samuel J. Smitherman and Chas. W. E. Lufel my lawful Executors to all extent & purposes, to execute this my last will and testament, according to the true intent and meaning of the same and every part and

Smitherman
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S. J. Smitherman
Chas. W. E. Lufel
Execs.

Smitherman
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Execs.

Clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof I the said Jesse Smithman do hereunto set my hand and seal this the 23^d day of April A.D. 1883.

Jesse Smithman *Real*

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

J. M. Brown,
A. R. Shaw.

Jesse Smithman
Will
J. M. Brown
A. R. Shaw
Exam

State of North Carolina

Montgomery County, ss. In the Probate Court. A paper purporting to be the Last Will and Testament of Jesse Smithman deceased, is exhibited before me, the undersigned, Judge of Probate for said County, by E. J. Smithman and A. H. C. Capel the Executors therein mentioned, and the due execution thereof by the said Jesse Smithman by the oath and examination of J. M. Brown and A. R. Shaw the subscribing witnesses thereto: Who, being duly sworn, both depose and say, and each for him self 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 Jesse Smithman: that the said Jesse Smithman, in the 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 23^d day of April, 1883.

And the deponent further saith, that the said Jesse Smithman the testator aforesaid, did at the time of subscribing his name as

aforesaid, declare the said paper writing as 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 last Will as aforesaid, and at the time of deposements subscribing his name as an attesting witness thereto, as aforesaid, the said Jesse Smithman was of sound mind and memory of full age to execute a Will, and was not under any restraint of the knowledge, information, or belief of this deponent: And further these deponents say not.

Severally sworn and subscribed this 15th day of December 1883 before me

J. M. Brown
A. R. Shaw *Real*
C. C. Wade Esq. &
Probate Judge *Real*

Smithman
Jesse
Will
E. J. Smithman
A. H. C. Capel
Exam

Sumner Amy
Will
Harrison Sumner
Exam

Montgomery County: In the Probate Court. In the matter of the Will of Amy Freeman. Before C. C. Wade Judge of Probate. Amy Freeman being duly sworn, doth say: That Amy Freeman, late of said County, is dead, having first made and published his last Will and Testament, and that Harrison Freeman is the executor named therein. Further, that the property of the said Amy Freeman consisting of Personal Estate is worth about \$2000.00 so far as can be ascertained at the date of this application; and that Harrison Freeman and Margaret Thomas are the parties entitled under said Will to the said property.

Sworn to and Subscribed before me, this 1st day of February, 1884.
C. C. Wade Esq.
Probate Judge.
Harrison Freeman.