

State of North Carolina, Superior Court,
Washington County

A paper writing purporting to be the Last Will and Testament of Thos O'Vair deceased, is exhibited before the undersigned Clerk of the Superior Court for Washington County by Martha H. O'Vair the executrix therein mentioned, and the due execution thereof by the said Thos O'Vair is proven by the oath and examination of J. P. Alliard and A. C. Garrett the subscribing witnesses, who, being duly sworn, both depose and say and each for himself depose and saith that he is an subscribing witness to the paper writing now shown him purporting to be the last Will and Testament of Thos O'Vair that the said Thos O'Vair, in the presence of this deponent subscribed his name at the end of said paper writing, now shown as aforesaid, and which bears date of the 6th day of October 1891.

And the deponent further saith, that the said Thos O'Vair the testator aforesaid, did at the time of subscribing his name as aforesaid, declare the said paper writing so 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 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 deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Thos O'Vair 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

Specially Sworn and subscribed
This 21st day of Dec 1891
before me

Thos J. Manning
C. S. C.

J. P. Alliard
A. C. Garrett

Seal
Seal

I Joshua B. Davenport of the County of Washington State of North Carolina, of sound mind and memory, do hereby make and declare this my last will and testament in the manner and form following. Condition that is to say

1st Item that my beloved wife in my request, relations shall provide for my body a decent burial suitable to the wishes of my relations and friends and purchase tombs and place them at my grave head & foot and pay all funeral expenses together with my just debts, however and to whomsoever owing out of the money or notes that I may have at my death and if not money or notes sell any articles of personal property for said purposes.

2^d I devise to my beloved wife during of her life time & widowhood the tract of land whereon I now live adjoining James I. Bateman Cummagum Holmes Henderson Phelps and running down the line of Jerome B. Phelps to a pine corner standing between two detached which was set out between me and Ebenezer Dington thence to run north the middle of said lane the corner of the line of the plot of division between the heirs of George Davis about the year 1814 to the M. Pitt line of the land he purchased of W. A. Spull thence to run said division line to James I. Bateman line then south along his line to Cummagum Holmes line thence along his line to Elbury Ambrose line thence along the line which was made between me and said Ambrose to Henderson Phelps line thence north along his line to the first station containing of two hundred twelve acres more or less to leave for her only support and to keep the farm in usual farming order during of her natural life time, and widowhood and should she make a surplus more than her support it my will that she shall equal divide the same between my lawful children and pay it over to be expended towards their education to their father R. Elliott or Mary J. Elliott at her own disposal.

3rd Item I will and bequeath to my beloved wife, Caroline E. all of my farming utensils that I may have at my death and the above farm all of my hogs, cattle, house hold & kitchen furniture and gold watch & one Buggy, all of the mules and horses I have on said farm only for her life time and widowhood, to remain on said farm and at her death with all the increase shall go as I shall hereafter give away & I give and bequeath to my said beloved wife one third part of all the notes I may have at my death with full power to collect the same as myself could do for her only use and benefit her

life time and widowhood and if any left from principle or interest at her death to go to my Daughter or R. Elliott to equal divide between my Grand Children and apply the same to the education of said Children.

5. It is my will and desire that should the farming tools give out or mules die or any property fit to carry on farming purpose on my farm that I have given to my wife for life time and widowhood that my said wife may if she thinks best purchase others out of the income of said farm or apply it as I have heretofore directed as she thinks best.

6. It is my will and desire that the farm whereon Haywood H. Parkinton & John W. Spuill lives with all the mules & farming utensils go to Richard Elliott & my Daugh Mary J. Elliott to rent out as they think best and apply the proceeds to the education of my Grand Children or any one of them as they may think best untill Joshua L. Elliott shall arrive to the age 21 years old.

7. I then I give and devise to my Daughter Mary Jane Elliott the unamander my notes and accounts that I have not heretofore given to my said wife with full power to collect as I myself could do to her and her heirs and assigns forever.

8. I then I give and bequath to my Grand Son Joshua L. Elliott all of my land that I own whereon I now live and whereon Haywood H. Parkinton & John W. Spuill lives after the death of my said wife Caroline E. with all the personal property that is then on at her death containing two hundred ninety acres more or less to him unto my said Grand son for ever but should he die leaving no children to go to my 2 Grand Sons Willie D. Elliott & Milton Elliott to be equal divided between them to their heirs and assigns forever.

9. I then I gave and bequath to my daughter Mary J. Elliott the remainder of my estate both real & personal that I have heretofore not given away to her and her heirs in fee simple for ever.

In testimony whereof I the said Joshua B. Davenport have set my hand and seal which intimated was done before I signed.

This 12 day of October A D 1859.

Joshua B. Davenport

State of North Carolina In the Superior Court
Washington County

A paper writing without subscribing witnesses, purporting to be the last will and testament of Joshua B. Davenport deceased, is exhibited for probate in open Court by Mary Jane Elliott devisee therein named; and it is thereupon proven by the oath and examination of C. L. Pettigrew that the said will was found among the valuable papers and effects of the said Joshua B. Davenport after his death; and it is further proven by the oath and examination of three competent and credible witnesses, to wit: Jesse P. Williard, Jas. S. Littlethorpe & C. L. Pettigrew that they are acquainted with the handwriting of the said Joshua B. Davenport having often seen him write, and verily believe that the name of the said Joshua B. Davenport is subscribed to the said will, and the said will itself, and every part thereof, is in the hand writing of the said Joshua B. Davenport. And it is further proven by the evidence of the three last mentioned witnesses, that said handwriting is generally known to the acquaintances of the said Joshua B. Davenport. It is therefore, considered by the Court that the said paper writing is the last will and testament of the said Joshua B. Davenport, and the same is ordered to be recorded and filed.

Sworn to and subscribed
before me, this 13 day of July
1859

J. P. Williard
Jas S. Littlethorpe
C. L. Pettigrew

Thos J. Mariner
C. S. C.

North Carolina, Washington County.

Caroline E. Davenport, widow of Joshua B. Davenport, deceased, by this writing dissents from the will of her said husband on record in this County, and authorizes C. L. Pettigrew as her attorney & in her behalf to obtain for her such interest in the estate of her said husband as she is entitled to by law.

Witness
H. J. Mercer.
Feb 25th 1859

Caroline E. Davenport

The execution of the foregoing instrument was this day acknowledged before me by Caroline E. Davenport for the purposes therein expressed, and in my hand & private seal this 25th day of Feb, 1859.

State of North Carolina Washington County
The foregoing or annexed Certificate of H. J. Mercer a Justice of the Peace of Washington County is hereby acknowledged to be correct this 25th day of Feb 1859
Thos J. Mariner Clerk Superior Court