

Washington County: Superior Court
 vs. H. Lewis & wife Sally Lewis } Before J. F. Mannin C. S. C.
 against

J. J. Halden, W. A. K. Gaylord, J. H. Gaylord, J. H. Gaylord.
 Louisa Halden, Nellie Downing, Rosetta A. Gaylord.
 Lucy Handley, Joseph W. Buchanan by his next friend
 + father John Buchanan.

The plaintiffs above named

Complaining allege,

(1) That about the year 1849 one Aaron Harrison died
 in said County, leaving heirs surviving four children
 viz, Harriet, who was married to Hiram S. Gaylord.
 Mary Ann Jones, who was married to J. L. Hassell clerk
 of said County, who was married to John F. Gaylord, and
 Eliza C. Harrison who afterwards married the defendant
 J. J. Halden.

(2) That said Aaron Harrison in his lifetime executed
 his last will and testament in the following words
 and figures,

"I Aaron Harrison of the County of Washington and State
 of North Carolina, being sick but of sound mind and
 disposing mind and memory, do make public and
 declare this to be my last will and testament in man-
 ner and form as follows, revoking all others heretofore
 made by me to wit, 1st I nominate, constitute and
 appoint J. L. Hassell, Hiram S. Gaylord & John F. Gaylord
 Executors and Eliza Cornelia Harrison Executrix to this
 my last will and testament, and I give them full
 power to sell any or all of my estate, both real and
 personal in order to the settlement of my estate.
 Then paying my just debts, funeral expenses &c.

2nd I give and devise to my daughter Harriet Gaylord
 and her heirs forever my tract of land known
 as the "Ducklet Place", adjoining the lands of S. C. &
 Halden, Josh Swann & others; also so much of the
 tract wherein I now live as is included in the
 following boundaries, beginning at the corner between
 J. H. Turbin & Wm. Downing's heirs and running south
 East to the mill pond of Lees Mills, thence Northwesterly
 the various courses of the mill pond to second branch
 thence up said branch to a pine the corner of
 Wm. Downing's heirs, thence along their line to
 first station, also 3/10 acres of grassy ground provided
 that should she die without having made actual

sale of said land or without lawful issue living at the
 time of her death, then I will and devise that it be equally
 divided between my other daughters or their heirs living at
 the time of her death, Also I further give her negroes Sam-
 Jun, Bristol and Nasty, she pay to E. L. Harrison \$25, to
 J. L. Hassell \$50, and John F. Gaylord \$50.

3rd I give and devise to my daughter Mary Ann Jones Hassell
 and to her heirs forever the following tract or piece of
 land commencing at the pecosin gate and running
 north 40 degrees west along the ditch at the first bend,
 thence N. 63° west through the "globe land" to the main
 road, thence along said road to Bumbridge's line, thence
 along the various of Bumbridge's line to Woodlief's corner
 thence along the road leading from grassy ground to
 Lees Mills to first station, provided that should she die
 without having made actual sale of said land, or
 without lawful issue living at the time of her death,
 then I will and devise that it be equally divided
 between my other daughters or their heirs living at the
 time of her death. Also negroes Jack, Emmett, Peter Hardy,
 and Oliver.

5th I give and devise to Eliza C. Harrison the balance
 of the tract on which I now live and 100 acres of
 grassy ground to be located on the N. E. end and
 so as to embrace the timbered land commencing at
 the N. E. corner. Provided that should she die without
 having made actual sale of said land or without
 lawful issue living at the time of her death, then I
 will and devise that it be equally divided between
 my other daughters or their heirs living at the time of
 her death, Also negroes Jack, Mack, Pleasant, Dinch &
 children and Margaret.

6th As doubts are entertained with regards to the validity
 of my title to the gone tract and Ducklet tract
 given to my daughters Sarah and Harriet, I will that
 if either should suffer loss thereby, the said loss
 to be equally sustained by all of my daughters -

7th I give my grand son Wm. H. Harrison \$500 - due &
 payable 6 months after my death and I appoint
 J. F. Gaylord and Joseph Ramsey testamentary
 guardians for the same -

8th I will that Abram & Nelly shall be suitably
 provided out of my estate &

9th I give my Chattels properly to my 4 daughters

which they are now in possession of. that which remains to be Eliza.

10th Item Will and all the other property not devised to be sold and the money arising therefrom to be used in settlement of my estate all remaining together with notes and accounts to be equally divided between my four daughters -
In testimony whereof I have hereunto set my hand and seal this 15th day of Jan 1849
Signed A. Harrison

Witness
T. H. Turner & J. W. Bell

(3rd) That the foregoing will was duly probated and recorded in said county as required by law. And the original filed with the Court. But the record of wills has since been burnt together with the originals on fire and said will and record are destroyed and last and best copy must be found, and neither can a certified copy of said will be found.

(4th) That Aaron Gaylord is dead and the plaintiff Sally Lewis is his only heir surviving. That Mary Ann Jones Russell died leaving no children. That Eliza L. Harrison married the defendant J. W. Bell, and is dead not having left any children, that Sarah Francis Gaylord is dead and the defendant, L. A. R. Gaylord, J. H. Gaylord, Lousa Walker & Nellie Downing are her children, and Gay Windley is her grandson by her deceased daughter Alice and Jas. W. Buchanan is her great grandson through her said deceased daughter.

The plaintiff prays judgement that the foregoing set out in section 2 hereof may be declared to be the last will and testament of Aaron Harrison deceased and that it be further adjudged that the same was once executed, probated and recorded - and that same be again recorded for Cust.

A. Gaylord
Atty for Puff

G. W. Lewis one of the plaintiffs being duly

sworn says. that the facts stated in the foregoing petition or complaint are true to the best of his knowledge information and belief J. W. Lewis

Sworn to & subscribed before me this 8th day of Jan 1849
Thos. J. Mariner
Clerk Supr Court

Washington County: Superior Court

G. W. Lewis & wife Sally Lewis

vs. J. W. Bell, L. A. R. Gaylord, J. H. Gaylord, J. H. Gaylord, Lousa Walker, Nellie Downing, Rachel A. Gaylord, Gay Windley and Jas. W. Buchanan by his next friend and father John Buchanan.

The cause coming on to be heard before the undersigned on October 8th 1849 and is appearing that the defendants are properly before the court, and the plaintiffs having filed a complaint under oath, duly verified before me and the defendants having failed to file answer thereto - It is now ordered, adjudged and decreed that on the 15th day of January 1849 A. Harrison - called Aaron Harrison in the Complaint executed his last will and testament in the words and figures set out in section two of the Complaint, and in the presence of the witnesses named therein - T. H. Turner and J. W. Bell, and that the same was the last will and testament of said A. Harrison, and that the same was probated and recorded in Washington County as required by law and that the record of wills in which the same was recorded has since been destroyed by fire, as was also the original will that was filed in the Clerk's Office and that no copy of the same duly certified can be found - and it is further ordered and adjudged that the said will of the said A. Harrison be again recorded in the record of wills for said County as required by law together with this judgement and the complaint filed in this cause - and that the same as recorded shall stand as the last will and testament of the said

A Harris died -
this October 8th 1894
J. M. Harris
Chas. Sept. Cant

I Rodden Davenport of the County of Washington and State of North Carolina being of sound mind and memory, but considering the uncertainty of my existence do make and declare this my last will and testament in manner and form following that is to say,

First that my executor hereinafter 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 and to whomsoever owing and of the moneys that may first come into his hands as a part or parcel of my estate.

- Item 1. I give and devise to my beloved wife Mary E. Davenport Ninety six acres of land whereon I now live to do as she pleads with or as she thinks proper to sell or convey if she thinks proper to do so.
- Item 2. I also give and devise to my beloved wife Mary E. Davenport all of my stock of Cattle and sheep to do with as she pleases with.
- Item 3. I also give and devise to her one Horse two mules and all hogs & Pigs to dispose of as she thinks proper.
- Item 4. I also give and devise to her all my household and kitchen furniture to dispose of as she thinks proper.
- Item 5. I also give and devise to her my wife one Buggy and Harness and also my Carts and all farming utensils to dispose of as she thinks proper and lastly I do hereby constitute and appoint my trusty friend J. M. Ambrose 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 utterly void all other wills and testaments by me heretofore made in witness whereof I the said Rodden Davenport do hereunto set my hand and seal this 17 day of Sept 1894

Rodden ^{his} Davenport ^{mark} decal

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

L. J. S. Pear
Joseph B. Phelps

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