

I James Turkenton of the County of Haseington 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 Manus and form following that is to say.

First. that my Executors 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 household and to whomsoever owing out of the money that may first come into their hands as a part or parcel of my estate.

I then, I lend to my beloved wife Malinda all of my real and personal estate for and during the term of her widowhood with full power to sell any portion of my personal property for her actual necessary personal and cannot support herself without selling any portion of said estate.

I then, I give and devise to my son Richard, at the death of my wife him and three eighteenths of land to be set out by metes and bounds as to include the house and out buildings where he now lives in fee simple to have and to hold to him and his heirs forever.

I then, I give and devise to my youngest son Franklin him and a one of land at the death of my wife Malinda to be set out by metes and bounds as to include my plantation house and all out buildings to have and to hold to him and his heirs in fee simple forever.

I then, I give and devise to my children Elizabeth Sarah, James Hancey and Mary Jane and my four grand children Patsie, Katie, Helen Lucie the residue of my high lands to have and to hold to them and their heirs at the death of my wife Malinda in fee simple forever.

I then, My wife and I desired is that my four grand children named in a former item shall have only the interest in the high lands equal to one share.

I then, I give and devise to my children Richard, Elizabeth, Sarah, James Hancey, Franklin, Mary Jane, & my son William's portion to his first child named in a former item my own lands at the death of my wife Malinda to have and to hold to them & their heirs in fee simple forever.

I then, My wife and I desired is that my wife Malinda shall give to my children Elizabeth Sarah, James Hancey, Franklin and Mary Jane and a bed linen and furniture whenever she may think proper to be their absolutely forever.

I then, I give and devise to my daughter Francis Elvira one share and lastly I do hereby constitute and appoint my truly wife Malinda and my son Richard my lawful Executors 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 rooking and obliterating utterly void all other wills and testaments by me heretofore made.

In witness whereof I the said James Turkenton do hereunto set my

hand and seal this twenty second day of January A.D. 1859

James Turkenton (Sd)
Signed sealed published and declared by the said James Turkenton 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.

C. H. Mason

B. B. Phelps

State of North Carolina

Haseington County } In the Superior Court
A paper purporting to be the last will and testament of James Turkenton is exhibited before me the undersigned Clerk of Superior Court for said county by Richard Turkenton one of the Executors therein mentioned and the said executor thereof by the said James Turkenton by the oath and examination of B. B. Phelps one of the subscribing witnesses thereto who being duly sworn do depose and say and each for himself depose and swear that he is a subscribing witness to the paper writing now shown him purporting to be the last will and testament of James Turkenton that the said James Turkenton in the presence of this deponent subscribed his name at the end of said paper writing which was shown as afore said and which bore date of the 22nd day of January 1859.

And the deponent further swears that the said James Turkenton the testator aforesaid, did at the time of subscribing his name as afore said 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 the testator subscribed his name to the said last will as afore said and at the time of deponent's subscribing his name as an attesting witness thereto as afore said the said James Turkenton was of sound mind and memory of full age to execute a will and was not under and restraint to the knowledge information or belief of this deponent; and further this deponent says and swears.

And it is therefore proved by the oath and examination of M. D. Clayton that C. H. Mason one of the subscribing witnesses thereto is dead and it is further proved by the oath and examination of said M. D. Clayton that he is well acquainted with the hand writing of the said C. H. Mason having often seen him write and that the name of said C. H. Mason subscribed as a witness to the said will is the proper hand writing of the said C. H. Mason it is therefore concluded that the said paper writing of the said party James Turkenton is the last will and testament of the said James Turkenton.

Sworn and subscribed

this 10th day of May 1859 before me

W. D. Dwyer

B. B. Phelps (Sd)

M. D. Clayton (Sd)