

I, Emma B. Bateman of Plymouth, N.H., being in my usual health and of sound mind, and desiring to dispose of the property with which God has blessed me in this life, do make and declare the following to be my last will and testament revoking any others heretofore made by me,

1. I desire to be decently and properly buried, in accordance with my condition and station in life in the family burial ground of my father where my late beloved husband, James F. Norman is buried and by his side as nearly as is practicable, and I want my executors hereinafter named, if it has not been done in my life, to erect around said interment a neat iron fence at a cost not exceeding one hundred & fifty dollars. The expenses incurred in these matters and in the erection of a proper tomb to me under the name of "Emma B. Norman" with any debts I may owe and the cost of administering my estate, I want my executors to pay out of the first money which may come to this hands belonging to my estate,

2. I give and devise to my niece, Marcia Latham, the house and lot in Norfolk, Va, number 228 Raleigh Avenue (Shenk); also my embossed sterling silver pitcher and my plain gold bracelet. But if she shall die leaving no child or grandchild her surviving before or after my death, I give this property to my niece and nephew, Emily and Norman Hamney, children of Hope Hunter Hamney, in fee simple with the same provisions and conditions named with respect to other property given to them hereinafter, sections 9 and 10.

3. I give and bequeath to my niece Hope Hunter Hamney the following property:

(a) The residence and lot where I have always lived on the corner of Main and — streets in Plymouth running back two hundred feet and bounded by the lot owned by me fronting on Main Street and which I am now renting to a tenant for and during the term of her natural life with remainder over

as hereinafter provided. This life estate however is not to be sold during the life of Mrs. Harney and it is conveyed to her under the same conditions and provisions as are hereinafter named with respect to the sale of any other property herein given. In sections 9 and 10. I also direct that she shall keep said property in good repair and properly insured for her own benefit and the benefit of her children.

(b) Also all household and kitchen furniture, my silverware, jewelry and wearing apparel which are not otherwise specifically given away in this will to other parties. But to my niece, Emily Harney, daughter of said Hope Hunter Harney, I give one of my diamond earrings, my heavy bedroom suite of furniture, bed, hair mattress and two pillows, also my silver cream pitcher, my silver butter dish and half dozen heavy silver teaspoons, and my cluster diamond ring,

To my nephew, Norman Harney, I give one of my diamond earrings, my solitaire diamond ring, my silver sugar dish, my silver spoon holder and half dozen heavy silver teaspoons; also one bed, my wash stand with drawers, my marble top table and my walnut chiffonier.

4. I give and bequeath to my faithful friend, Miss Mary Alice Harrison, the sum of five dollars per month as long as she shall live to be paid to her monthly out of the income and profits of the estate given and described in the eighth item of this will, and especially charge it upon that income and estate to be paid over to her by such person who may have the charge and control of the same, provided however, that this bequest to her shall become void if before my death she shall have left me and ceased to live with me.

5. If, after settling up my estate as hereinafore provided, there is enough money left, I want my niece Marcia Latham and Mary Bell Carter each to be paid five hundred dollars out of my estate and if there be not enough to pay to pay them.

five hundred dollars each; but such balance be divided between them, not expending the said sum. To my niece Mary Bell Carter I give also my watch.

6. To my friend, Mrs. Susan Asken, I devise and bequeath for and during the period of her natural life, my lady's room place where she now lives, and the Harmon place adjoining it; also any and all of my household goods, furniture, bedding and clothing which Mrs. Harney may not want and which has not been otherwise specifically given to other parties in this will.

7. To my nephew, Norman Harney, I give in fee simple the James F. Norman store lot on State Street where he did business; I also give to him the remainder in the Lady Emmet and Harmon places hereinafter given to Susan Asken during her life.

8. All the residue and balance of my estate of every description, I give devise and bequeath to my niece and namesake, Emily Harney, and my nephew Norman Harney, children of my niece, Hope Hunter Harney. I direct and provide however that the rents, profits, interest and income arising from the property in this will given to Emily and Norman Harney shall be collected, paid to and received by the mother of these children, Hope Hunter Harney for her own and said children's use and benefit until the youngest one becomes twenty-one years of age, when the corpus of the property shall be delivered and paid over to them to be divided as hereinafter provided.

The property given to the said children shall remain for them in the hands of my executors hereinafter named, who shall manage the same until the appointment and qualification of their trustee as herein provided and shall be then turned over to such trustee by the executors.

9. The property given in the last section of this will to my said niece and nephew, I do not want sold, under any circumstances, nor divided, but held for them until the youngest becomes

twenty-one years of age. ~~After they become twenty-~~
 one years of age and entitled to possess the same,
 I specially desire that it shall not be sold, but
 divided between the two; if they can't agree be-
 tween themselves to a division let commissioners
 be appointed, one by Emily, one by Norman and
 the third by their mother, or if she be dead, or
 unable to act, then by the Clerk of Washington
 Superior Court to divide the same between the
 parties, which commissioners shall be sworn by
 the said Clerk and shall make their report in
 writing to be registered in the said county and
 such report so made shall fix the rights of the
 parties respectively in the said property.

10. I am so anxious that none of the property
 herein given the said Emily and Norman shall
 be sold for division or otherwise before the youngest
 becomes twenty-one years of age, that I revoke and
 annul the devise to them as to such property, if
 such sale should be attempted, and give any
 such property so attempted to be sold to my
 niece Marcia Latham. This provision shall apply
 also to the residue not given herein to my niece
 Hope Hunter Harney for life should she attempt
 to dispose of the same during her life.

11. I hereby appoint and constitute executors of
 my will, my niece, Hope Hunter Harney and my friend
 W. D. Pruden, with full power to carry out and execute
 this will, and I hereby appoint my niece, Hope Hunter
 Harney, trustee for her said children, to take, hold,
 manage, receive and control the corpus, income
 and interest of said estate according to the true
 intent and meaning of this will and direct
 that she qualify as such in this county, but that
 no bond be required of her. She shall hold
 the said property for her said children until the
 same is divided between them according to the
 provisions of this will. I desire that she shall

not be required to account in any way for the rents
 and profits, but that she shall be the sole judge of how
 they are to be used for her and the children's benefit,
 trusting entirely to her motherly interest in them and
 her desire to carry out my wishes for a faithful discharge
 of those duties. I also provide that her receipt
 to the said executors and to any person who may
 have in his possession any of the foregoing property
 or shall owe any amount for rents, interest or otherwise,
 shall be a full discharge and acquittance to such
 person for the amount so received by her.

In testimony of which I have hereunto put my
 hand and seal to this will consisting of five pages,
 upon each of which I have put my initials, E. B. B.

Emma B. Bateman, test

The undersigned this day in the presence of Mrs.
 Emma B. Bateman and at her request and in the
 presence of each other, have signed our names as
 witnesses, and the said Emma B. Bateman signed
 said paper in our presence and declared it to be
 her last will and testament.

April 14, 09.

Clarence Latham,
 A. B. Litchfield

Since my last will and testament dated and
 witnessed April 14th, 1909, was written, another child
 has been born to my niece Hope Hunter Harney, whose
 name is Ruth Harney, for whom I desire to make
 some provision and on this account and for other
 reasons, I make and declare this codicil to said
 will, making changes and additions as follows;

1. I revoke item 2 of said will and in lieu
 thereof, I give and devise to my niece Marcia Latham
 my house and lot number 228, Raleigh Avenue,
 (Shen) Norfolk, Virginia, and my house and lot
 in Norfolk, Va. number 145 Yarmouth street for
 and during the period of her natural life and
 after her death to my niece & nephew Emily Harney

twenty-one years of age. After they become twenty-one years of age and entitled to possess the same, I specially desire that it shall not be sold, but divided between the two; if they can't agree between themselves to a division let commissioners be appointed, one by Emily, one by Norman and the third by this mother, or if she be dead, or unable to act, then by the Clerk of Washington Superior Court to divide the same between the parties, which commissioners shall be sworn by the said Clerk and shall make this report in writing to be registered in the said county and such report so made shall fix the rights of the parties respectively in the said property.

10. I am so anxious that none of the property herein given the said Emily and Norman shall be sold for division or otherwise before the youngest becomes twenty-one years of age, that I revoke and annul the clause to them as to such property, if such sale should be attempted, and give any such property so attempted to be sold to my niece Marcia Latham. This provision shall apply also to the residuum left given herein to my niece Hope Hunter Harnay for life should she attempt to dispose of the same during her life.

11. I hereby appoint and constitute executors of my will, my niece, Hope Hunter Harnay and my friend, M. D. Pruden, with full powers to carry out and execute this will, and I hereby appoint my niece, Hope Hunter Harnay, trustee for her said children, to take, hold, manage, receive and control the corpus, income and interest of said estate according to the true intent and meaning of this will and direct that she qualify as such in this county, but that no bond be required of her. She shall hold the said property for her said children until the same is divided between them according to the provisions of this will. I desire that she shall

not be required to account in any way for the rents and profits, but that she shall be the sole judge of how they are to be used for her and the children's benefit, trusting entirely to her motherly interest in them and her desire to carry out my wishes for a faithful discharge of those duties. I also provide that her receipt to the said executors and to any person who may have in his possession any of the foregoing property, or shall owe any amount for rents, interest or otherwise, shall be a full discharge and acquittance to such person for the amount so received by her.

In testimony of which I have hereto put my hand and seal to this will consisting of five pages, upon each of which I have put my initials, E. B. B.

Emma B. Bateman, *Real*

The undersigned this day in the presence of Messrs. Emma B. Bateman and at her request and in the presence of each other, have signed our names as witnesses, and the said Emma B. Bateman signed said paper in our presence and declared it to be her last will and testament.

April 14, 07.

Clarence Latham,
A. B. Litchfield

Since my last will and testament dated and witnessed April 14th, 1904, was written, another child has been born to my niece Hope Hunter Harnay, whose name is Ruth Harnay, for whom I desire to make some provision and on this account and for other reasons, I make and declare this codicil to said will, making changes and additions as follows:

1. I revoke item 2 of said will and in lieu thereof, I give and devise to my niece Marcia Latham my house and lot number 228, Raleigh Avenue, (Ghent) Norfolk, Virginia, and my house and lot in Norfolk, Va. number 145 Yarmouth street for and during the period of her natural life and after her death to my niece & nephew Emily Harnay

and Norman Harney, children of Hope Hunt's Harney in fee simple, with the same provisions, conditions and limitations as are set forth with respect to other property given them in sections 9 & 10 of my said will & testament dated April 14th, 1909.

2. I devise and bequeath the house and lot given to my niece Hope Hunt's Harney in item

3, subsection (a) of said will for her life to my little niece Ruth Harney, at the death of her mother said life tenant but I charge it in the hands of said life tenant and the said Ruth Harney with exactly the same provisions, conditions and limitations as are set forth in sections 9 and 10 of said will of April 14th 1909 and subsection (b) of said item is changed so as to write "Asterior" instead of "Hair" in describing the mattress given Emily Harney and to give to Norman Harney my horse mattress.

3. I revoke entirely item 4 of said will, which makes certain bequests to Miss Mary Alice Harrison.

4. I hereby change item 6 of said will, so as to give and devise my Judith Everett place to Mrs. Susan Asken in fee simple and to cancel the devise to her of my Harrison place entirely.

5. I revoke that part of section 7 of my said will, April 14th 1909, giving Norman Harney my Everett & Harrison places, subject to the life estate of Mrs. Asken.

6. To my niece Ruth Harney, I give all my silverware and jewelry not given specifically to other parties, other than Hope Hunt's Harney, and the bequest of the silverware and jewelry to her in section 3 subsection (b) of my said will to Mrs. Harney is revoked, in favor of her daughter Ruth as set forth herein.

7. The bequests to my niece Mary Bell Carter named in said will are revoked hereby and whatever is given her in said will is given my

niece Marcia Latham in trust for her, with power in said trustee to use the same for the benefit of said Mary Bell Carter, according to her own judgment, without being required to account in any way for the disbursement. I have full confidence in Marcia's judgment and acting affectionately and mean to trust everything affecting her sister to her heart and head.

In witness hereof I have hereunto put my hand & seal to this Codicil, consisting of four pages upon each of which I have written my initials for authentication, this Nov. 3, 1911.

Emma B. Bateman *Emad*

We have signed the above paper this day, as witnesses, at the request of Mrs. Emily B. Bateman and in her presence and in the presence of each other. She at the time of signing the same, declared it was her Codicil to her last will & testament.

Nov. 3d 1911.

Clarence Latham
M. D. Prudner,

I, Emma B. Bateman, reaffirming in all respects, except as herein set forth, my will, dated and witnessed April 14th, 1909, and the Codicil to the same, dated and witnessed November 3d 1911, do set forth and declare the following changes in the same;

1. In the event of the death of James Norman or Emily Harney, before or after my death, I give and devise the interest of the one so dying in the property & estate given them in either of them in said will and Codicil, to the survivor of the two.

2. I give to Mary Alice Harrison for her life, the house and lot adjoining my residence in Plymouth and fronting fifty feet on Main street, provided she shall be at my death in my service, employed and paid by me, subject however to the provision made in section 3, heretofore in favor of James Norman Harney, as

to the use of the rents. This lot to bear its part of said charges on the rents.

3. If at my death, my nephew James Donnay Hurrey shall not have completed his education both academic and professional, I direct that sufficient of the rents of my property given in said will and codicil shall be applied to such education (except that property given by me to Mrs. Askew, which is not so charged nor are the rents of my residence in Plymouth named in section 8, or the houses and lots given Marcia Latham hitherto so charged).

4. That part of my said will and codicil appointing Executors is changed as follows:

I revoke the appointment of my niece Mrs. Hope Hunter Harney, as Executor, and appoint H. D. Pruden sole Executor; but if said Pruden shall die before I do or for any reason shall be unable or shall fail to qualify or if having qualified, shall cease to serve as Executor, I hereby constitute and appoint my friend Clarence Latham Executor in his place, and stand, with the same powers and authority given to said Pruden.

The words appearing at the close of the first page of this codicil to wit: "nor are the rents of my residence in Sect 8 of my will or the houses and lots given Marcia Latham hitherto so charged" were added before I signed this paper.

Witness my hand & seal April 19, 1912,

Emma B. Balamann. *(Seal)*

Witness

H. M. Bond, Jr.

H. D. Pruden.

I, Emma B. Balamann hereby make and declare the following changes in the will and codicils hitherto made by me and except as herein changed in all respects - reaffirm

the same:

1. In item 10 of my will, executed April 14th, 1909, I strike out the name of Marcia Latham and substitute for her name, the children of my nephew Walter Fitch Hunter, now of Kingston, N.C. as contingent legacies & devisees.

2. I revoke entirely item 2 of the codicil, dated 19th 1912, to Mary Alice Harrison.

3. I declare and affirm, that the devisees and legatees given by me in my will and codicils to Hope Hunter Harney & her children are meant and declared to be in full settlement and discharge of all claims and demands against me and my estate by them or either of them or by Captain Harney, husband of my niece. I declare however, that I know of no such claim, but in the event any such may exist or be made the legatees and devisees settle and discharge them in full.

Witness my hand and seal October 31, 1912.

Emma B. Balamann. *(Seal)*

Witness

H. D. Pruden.

H. M. Bond, Jr.

Washington County, North Carolina.

A paper writing purporting to be the last will and testament of Mrs. Emma B. Balamann and three codicils thereto, which said paper writings are dated as follows, to wit:

April 14th, 1909, witnessed by Clarence Latham and A. B. Littlefield; Second dated November 3rd, 1911, and witnessed by Clarence Latham and H. D. Pruden; third dated April 19th, 1912, and witnessed by H. D. Pruden and H. M. Bond, Jr.; fourth dated October 31st, 1912, and witnessed by H. D. Pruden and H. M. Bond, Jr. were to-day exhibited before the undersigned Clerk of the Superior Court of Washington County, North Carolina by H. D. Pruden the executor therein named, and the same

execution of the paper writings above named were duly proven by an oath and examination of the witnesses thereto respectively, to-wit:

That will dated April 14th, 1909, by the witnesses Clarence Latham and A. B. Litchfield, that Codicil dated November 3rd, 1911 by the witnesses Clarence Latham and W. D. Pruden; that Codicil dated April 19th, 1912, by the witnesses W. D. Pruden and W. M. Bond, Jr., and that Codicil dated October 31st, 1912 by the witnesses W. D. Pruden and W. M. Bond, Jr., the subscribing witnesses thereto.

Each of said witnesses being first duly sworn doth depose and say and each for himself deponent and say that he is a subscribing witness to the several paper writings mentioned above, which bear his signature as witness thereto, and which paper writings purport to be the last will and testament, and the three Codicils thereto of Emma B. Bateman, that the said Emma B. Bateman in the presence of these deponents subscribed her name at the end of the said paper writings which are identified as set out above, and which are now exhibited as aforesaid, and which bear the dates above mentioned respectively.

And these deponents further say that the said Emma B. Bateman, the testatrix aforesaid, at the time of subscribing her name as aforesaid, to each of said papers, did declare the paper writings so subscribed by her in the presence of the deponents to be her last will and testament and Codicils respectively, thereto, as set out, and these deponents did thereupon subscribe their names at the end of said will and Codicils, respectively, as attesting witnesses thereto, as above set out, and at the request and in the presence of said testatrix. And these deponents further say, that at the same time when the said testatrix subscribed her name to the said last will and

testament and Codicils thereto as set out above, and at the time the deponents subscribed their names as attesting witnesses thereto, and at the request and in the presence of the said testatrix as mentioned above, the said Emma B. Bateman 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 these deponents, And further these deponents say, not.

Clarence Latham

A. B. Litchfield

W. M. Bond, Jr.

W. D. Pruden,

Severally sworn to and subscribed before me, this the 15th day of September, 1913.

C. W. Ansborn,

Clark Superior Court.

North Carolina,

Washington County,

} ss. In the Superior Court

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of Emma B. Bateman, deceased. Let the said will and Codicils, together with the probate, be recorded and filed.

This 15th day of September, 1913.

C. W. Ansborn,

Clark Superior Court.

Personally appeared before me this day, W. D. Pruden, who qualified as Executor to the foregoing will by taking and subscribing to the oath prescribed for the qualification of Executors,

This 15th day of September, 1913.

C. W. Ansborn,

Clark Superior Court.