

Will Probate, NC, Lincoln, Robert Armstrong 1814

In the name of God, Amen.

I **ROBERT ARMSTRONG** of the county of Lincoln and state of North Carolina being weak of body but of sound mind and memory, blessed be God for his mercies, I do make, constitute and ordain this, my last will and testament, in the following manner and form resign my soul to God, who gave it, in hopes of a joyful resurrection through a merciful redeemer and my body I recommend to the earth to be buried in a decent and Christian manner at the discretion of my executors hereafter named.

And as to my worldly estate, wherewith it hath pleased God to bless me with in this life, I dispose of in the following manner.

ITEM I do allow this plantation that I am now living on, containing two hundred acres of land be the same, more or less, to **HUGH EWING** and **SARAH EWING**.

ITEM I do allow my rifle gun and shot bag and powder horn to my grandson **ARMSTRONG EWING**.

ITEM I do allow my granddaughter **AGNESS BEATY ARMSTRONG** her raising and schooling to be paid out of my estate.

ITEM I do allow all the remainder of my property to **HUGH EWING** and **SARAH EWING**.

And lastly I ordain or appoint **HUGH EWING** to be my whole and sole executor of my estate.

Publishing and pronouncing this and no other to be my last will and testament.

ROBERT ARMSTRONG {seal}

Signed, sealed in the presence of us this 28th day of September 1814.

ROBERT SLOAN
WILLIAM BEATEY

Will Probate, NC, Lincoln, Robert Armstrong 1814

State of North Carolina
Lincoln County

Superior Court of Law
April Term, AD 1820

The forgoing will of **ROBERT ARMSTRONG**, deceased, was produced on the trial of the caveat against the same upon the issue joined wherein **HUGH EWING**, the executor thereof, was plaintiff & **JOSEPH HART**, guardian of **AGNESS B. ARMSTRONG** the defendant & which was proved by **ROBERT SLOAN** & **WILLIAM BEATY** the subscribing witnesses thereto, and found by a jury of good & lawful men (sworn & charged to by said issue) to be the last will & testament of **ROBERT ARMSTRONG**, deceased.

Test

LAWSON HENDERSON, clerk of Lincoln Co. Superior Court

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State of North Carolina
Lincoln County

July Session 1820

HUGH EWING the executor to within will came into open court & qualified according to law.

Witness **V. MCBEE**, CC

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State of North Carolina
Lincoln County

Be it remembered that at a county court of Pleas & Quarter Sessions opened & held for the county of Lincoln & the court house in Lincolnton on the third Monday of October in the 40th year of the independence of the said state, AD 1815, before the worshipful justices of said county, duly commissioned & authorized to hold said court.

HUGH EWING produced and instrument of writing purporting to be the last will & testament of **ROBERT ARMSTRONG**, deceased, & to which the said **HUGH EWING** was appointed the executor & offered the same for probate in the following words, viz.

[will attached]

JOSEPH HART, guardian of **AGNESS B. ARMSTRONG** by his attorney **ALFRED M. BURTON**, Esquire being in court objected to the said well being admitted to probate & therefore entered a caviol against it & the cause being then entered on the appearance docket the said derided the entry of the Pleas viz Devisavit Vel Non upon which issue was taken & the said **JOSEPH HART** entered into & filed a bond for the prosecution of said suit as follows, to wit.

Lincoln County Court Office

We the subscribers do jointly & severally bond ourselves, our heirs, executors and administrators in the sum of fifty pounds to **HUGH EWING**, his heirs, executors, administrators & assigns.

The obligation to be void on condition that **JOSEPH HART**, guardian of **AGNESS B. ARMSTRONG** do prosecute a certain suit brought in the court aforesaid by **JOSEPH HART** against **HUGH EWING** & in case of failure shall pay the said **HUGH EWING** such costs & damages as may be awarded against the said **HUGH** by the court having cognizance thereof.

Witness our hands & seals the 19th day of September 1815.

JOSEPH HART

Witness

V. MCBEE

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The cause being continued from Session to session until July Session 1817 when the following Jury being summoned by the Sheriff of said county came, to wit.

**JEREMIAH GARNER
BENJAMIN HALL
JOHN HOLDERMAN
ANDREW KILLIAN
HUGH LAWRENCE
JOHN LITTLE**

**LEWIS LITTLE
GEORGE MARTIN
HENRY RUDESIL
NELSON SHELTON
HENRY STAMEY
LITTLEBURY TURBYFILL**

who being sworn, impaneled & charged to try the issues aforesaid.

Verdict

Find the writing produced as the will is not the last will & testament of **ROBERT ARMSTRONG** deceased.

From which judgment appeal was prayed to the next Superior Court to be held for Lincoln County at the courthouse in Lincoln on the 4th Monday after the 4th Monday in September next & granted.

HUGH EWING, the executor came into court & gave bod in the sum of five hundred pounds with **LAWSON HENDERSON & EDWIN L. GINGLES** security for the prosecution of said appeal, which security was approved of by the court.

Bill of costs in the forgoing suit, viz.

S. MCKEE, sheriff
WILLIAM BERRYHILL
JOHN WILSON
J. HOLLAND
Attny. **R. H. BURTON**
ISAAC HENRY
SAMUEL CALDWELL
SAMUEL MCKEE
JAMES PORTER

ROBERT SLOAN
BURREL WELLS
WILLIAM YOUNGBLOOD
WILLIAM MACLEAN
WILLIAM ARMSTRONG
SAMUEL BRIMER
THOMAS MCLEAN
WILLIAM BEATEY

Certified at office the 22nd day of August 1817 in the 42 year of the independence of the United States.

Witness

VARDRY MCBEE, CC

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Transcribed from original documents by Brent R. Brian & Martha M. Brian.

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