

1. I direct that my debts and funeral expenses be paid as soon as possible
2. All my estate, real personal and mixed including bonds, notes and accounts &c, other than what is hereinafter mentioned to be held & managed by my executors for the common benefit of my family and for the education and support of my minor children remaining in the family, after after answering all these ends shall stand in a surplus of income not needed for the purposes aforesaid, the same shall be invested for the benefit of my estate.
3. I direct, at my death or as soon thereafter as practicable that my executors pay to my daughters Lucy S. & Mary S. Gurneys and to Mattie Packard the sum of Four Hundred Dollars each or the like sum each year succeeding year until the youngest child living shall arrive at age.
4. I direct that as any of my children not mentioned in the 3rd clause above shall arrive at age or marry then shall be given to him or her the sum of Four Hundred Dollars and the like sum each succeeding year until the youngest child living shall arrive at age.
5. My children are to be educated voluntarily to their circumstances out of my estate without charge.
6. I direct that my executors keep my dwelling insured at the expense of my

not exceeding three thousand dollars, and if burned to be rebuilt at the expense of my estate, the insurance money first to be used, and that the said insurance shall be kept in repair at the expense of my estate not to exceed the ~~thousand~~ dollars a year, until my youngest child ~~leaving~~ arrives at age.

12 I bequeath to my son Alexander Cunningham when he arrives at age, the ~~house~~ residence and home where my brother Richard M. Cunningham died & 1000 acres in a body to be taken in valuation & called Union Creek.

13 I bequeath to my son William Murray Cunningham when he arrives at age my plantation on Marlows Creek near Wooddale and the Point place to be taken in valuation.

14 I bequeath to my son John Sumner Cunningham at my death my plantation on Heis in the South side adjoining O. R. Waller & others called Hammond Eighteen Hundred acres more or less to be taken at valuation.

15 Being greatly attached to my home and place, & my father & mother & wife buried upon it, I desire the same to remain the property of one of my children, and to be such that what I hereby devise to my son George L. Cunningham when he arrives at age for life and to his children after his death my home tract of land including the buildings, containing thirteen hundred and seventy seven acres (1377) as well as been by John and Surrey made by Wm. M. Jackson in 1868 to be taken at valuation.

16 I desire that should my son George die before he becomes of age and ~~leaving~~ ~~children~~ child living then I desire the same

to my youngest child then living at that time, for the same condition that I left it to George. My single daughters and minor children if they prefer it may live at the same place until the time mentioned above with charge for board.

17 Should either of my sons John, Alexander or William die before they marry or arrive at age or have no child leaving them the plantation left them I desire to my sons James and Herbert, but neither of my sons are to have more than one of the plantations and not till they arrive at age.

18 If any of my children should die before receiving the whole of the share allotted to him or her then I desire that so much of the share as shall not have been received unless provided for in previous clauses shall fall back into my estate. But should any of my children die leaving child or children it is my will that the child or children of said deceased child shall receive such part of my estate as such child would receive if living.

19 I leave it discretionary with my executor to sell my property in the form of ashore and brick whenever they choose and make deeds thereto, and subject it also the same disposition as to my lands in Warren County.

20 I desire that there shall be no division or sale of my estate other than devised herein until my youngest child becomes of age then there shall be a division of all my estate among all my children, share and share alike each child accounting for what he or she may have received so as to make all equal.

I desire that my executor employ a minister for Cunningham's Chapel

for fifteen years not to exceed Seventy five dollars a year

17 If either of my sons are not provided for as my will with land when they arrive at Age, they are to have 1000 acres each, one tract to be taken from Manns Creek Tract not given to my son Alexander & balance of it from some tract adjoining the other tract from the north side of the River adjoining Wm. Buckner & others the Houshen Tract & sufficient from the horse tract not already disposed of to make 1000 acres and for a time to be given for each of them at the expense of my estate not to exceed fifteen thousand Dollars each.

18 I hereby appoint my son John L. Cunningham and Geo. H. Packard executors thereof & desire no security be demanded of them unless it shall be made to appear that the trust is abused. I witness whereof I have hereunto set my hand & seal this 23rd day of June 1886.
Jno W Cunningham

Witness

Thos. S. Sevier
James M. Bray

North Carolina }
Person County }

John C. Pass clerk of the Superior Court of Person County do hereby certify that the foregoing is a true and perfect copy of the will of John W. Cunningham.

Given under my hand & seal of office at Office in Rockburg this July 2nd 1886.
John C. Pass
Clerk Sup. Courts

Person County - In the Probate Court

State of North Carolina

To all whom these presents shall come Greeting:

It being satisfactorily proven to the undersigned Cfe for Person County, that John W. Cunningham late of said County is dead, having made a last will and testament, which has been admitted to probate, a true copy whereof is hereto annexed, and Geo W Cunningham & J. J. Packard are the Executors named therein, having qualified as such according to law

Now these are therefore to empower the said Executors to enter in and when and singular the goods & chattels, rights and credits of the said deceased and the same to take into possession wherever to be found, and all the just debts of the deceased to pay and satisfy and the residue of said estate to distribute according to the directions of said will

Witness my hand and the Seal of said Court this 21st day of July 1887

Seal

Jno C. Pass
Probate Judge

North Carolina } Superior Court
Person County } Geo. J. Pass clerk

In the Matter of the Administration of the estate of Jno W. Cunningham, deceased } Notice to show cause &c

To Thomas J. Packard one of the Executors of the late John W. Cunningham: with summons having compliance before me. - that you the said Thomas J. Packard are a resident of the State of North Carolina & are a resident of a district state of the State of Maryland, and that on this

age and by reason of occupation and profession you cannot give that attention to the management of the estate and that assistance to him as co-executor that the nature of the case demands, thereby causing greater responsibility and labor in the management of said estate to devolve upon him.

These are reasons to command you to appear before me at my office in Robeson within ten days from the date of the service of this notice on you and show cause if any you have why you for the foregoing reasons why you should not be removed or one of the executors of the said John W. Cunningham.

This August 27th 1887

J. C. Pass Clerk
Superior Court

Service of the foregoing notice accepted
and all formalities of service waived.
August 29th 1887.

North Carolina } Answer to notice to show
Person County } Cause

To John C. Pass Clerk of the Superior
Court of Person County

The respondent in answer to the notice to show cause in this matter would respectfully show and submit that the causes alleged in notice are true and that on that account he would not be able to give the attention to the administration of the estate that is necessary, and he therefore asks that he be removed as one of the executors
Thos. J. Packard

North Carolina } Superior Court
Person County } Before J. C. Pass Clerk
In the matter of the administration of the estate of John W. Cunningham } Thos. J. Packard
Deed } One of the Executors

This cause coming on to be heard before me this day it is therefore upon consideration the motion and grounds ordered and adjudged that Thos. J. Packard be and he is hereby removed as one of the executors of the late John W. Cunningham for the causes alleged and admitted in said notice and answer and that the other executor John S. Cunningham proceed with the administration of the estate of the said John W. Cunningham. This August 29th 1887
J. C. Pass Clerk
Superior Court

North Carolina }
Person County } John C. Pass Clerk of the
Superior Court of Person County do
hereby certify that the foregoing is a
full true and perfect copy of the proceedings
had before me for the removal of Henry J.
Packard one of the executors of the
late John W. Cunningham Deed.

Given under my hand and seal of office
at office in Robeson this 26th day
of Sept 1887.
J. C. Pass