

by the oath and examination of H. E. McCoub that he is well acquainted with the hand-writing of W. P. Richards the testator therein named, having often seen him write:

It is therefore considered by the Court that the said paper-writing, and every part thereof, is the last Will and Testament of the said W. P. Richards, and the same is ordered to be recorded and filed. This 7th day of April 1880.

L. H. Phillips C. J. C.

Will of John W. Cunningham
of Person County N.C.

In the name of God Amen -

I John W. Cunningham of the County of Person State of North Carolina of sound mind & memory do make and contain this my last Will & Testament hereby revoking any & all other will or wills by me at any time heretofore made.

- 1st I direct that my debts & funeral expenses be paid as soon as practicable.
- 2nd All my estate real, personal & mixed, including bonds, notes & accounts to, other than what is hereafter mentioned to be held & managed by my executors for the common benefit of my family for the education & support of my minor children remaining in the family, and if after answering all these ends, there should be a surplus, of income not needed for the purpose aforesaid, the same shall be invested for the benefit of ~~my~~ my estate.
- 3rd I direct at my death or as soon thereafter as practicable that my executors pay to my daughters Sue L. Maude & Catherine Cunningham & Mattie Richard the sum of four hundred each & the like sum each succeeding year until the youngest child living shall arrive at age.
- 4th I direct that as any of my children not mentioned in the 3rd clause above shall arrive at age or marry, there shall be given to him or her the sum of four hundred dollars & the like sum each succeeding year until the youngest child living shall arrive at age.
- 5th My children are to be educated suitable to their circumstances out of my estate without charge.
- 6th I direct that my executors keep my dwelling insured at the expense of my estate not to exceed three thousand dollars & if burned to be rebuilt at the expense of my estate, the insurance money first to be used & that the said dwelling shall be kept in repair at the expense of my estate not to exceed one hundred dollars a year, until my youngest child living arrives at age.
- 7th I bequeath to my son Alexander Cunningham when he arrives at age, the residence & houses where my brother Richard W. Cunningham died & 1000 acres of land in a body to be taken at valuation, called Wynn Creek.
- 8th I bequeath to my son Willie Murray Cunningham when he arrives at age my plantation on Marlowe Creek known as Woodsdale called the Painter Place, to be taken at valuation.

- 9th I bequeath to my son John S. Cunningham at my death my plantations situate on the North Side joining E. C. Walters & others, Bellet Fairmount, containing sixteen hundred acres more or less to be taken at valuation.
- 10th Being greatly attached to my homestead & my father mother & wife being buried upon it, I devise the same to remain the property of one of my children & to secure the object, I hereby devise to my son George Simpkins Cunningham, when he arrives at age for life & to his children after his death, my home tract of land including the buildings containing thirteen hundred, seventy acres (1377) as will be seen by plat & Survey made by W. M. Faulkner, 1868, to be taken at valuation.
- 11th I devise that should my son George die before he becomes of age & leaves no child living then I devise the same to my youngest child living at that time on the same conditions I left it to George my single daughters & minor children if they prefer it, may live at the home place until the time mentioned above without charge for board.
- 12th Should either of my sons, John Alexander or Willie die before they marry or arrive at age & leave no child living, then the plantations left them, I devise to my son Jas. & Albert, but neither of my sons are to have more than one of the plantations and till they arrive at age.
- 13th If any of my children should die before receiving the whole of the share allotted to him or her then I direct that as much of the share as shall have not been received, unless provided for in previous clause shall fall back into my estate, but should any of my children marry and die leaving child or children it is my will that the child or children of said deceased child should receive such part of my estate as such child could receive if living.
- 14th I leave it discretionary with my Executors to sell my property in the Town of Asheville & Hickory whenever they choose & make deeds thereto & invest it. Also the same discretion as to my lands in Warren County.
- 15th I devise that there shall be no division of sale of my estate further than is 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 according for what tier or the may have received, so as to make all equal.

- 16th I direct that my executors employ a minister for Cunningham Chapel for fifteen years, not to exceed seventy five dollars a year.
- 17th If either of my sons are not provided for in my will, with land when they arrive at age, they are to have 1000 acres each, One tract to be taken from the Hams Creek tract not given away to my son Alexander & balance of it from my home tract adjoining, & the other tract from the North side of Hico adjoining W. M. Faulkner & others, the Faushe tract & sufficient from the Hams tract not already disposed of, to make 1000 acres & for a house to be built for each of them at the expense of my estate not to exceed fifteen hundred dollars each.
- 18th I hereby appoint my son John S. Cunningham & Rev. Thomas S. Packard executors hereof, & direct no security be demanded of them, unless it shall be made appear, that the trust is abused.
- In witness whereof, I have hereunto set my hand & seal, this the 23rd day of June 1866.
- Jno. S. Cunningham. *Deed*

Witness
Thos. L. Tamm
Jas. W. Bray

North Carolina)
Crawford County)

I L. H. Bradsher Clerk of Superior Court Certify that the foregoing is a true and correct Copy of the will of Jno. S. Cunningham, deceased, as of Record in this Office - And I further Certify that said will was admitted to probate according to Law Given under my hand & official Seal at Office in Raleigh - This Feb. 7th 1900.

L. H. Bradsher
Clerk Superior Court.

(See next page for Notice of Cause and order of Removal of one of the Executors)

North Carolina }
 Person County }
 In the matter of the }
 Administration of the } Notice to show cause
 estate of }
 Jno. W. Cunningham } + C.

To Thos. J. Packard of the execu-
 tors of the late John W. Cunningham

Jno. W. Cunningham co-executor with myself having
 complained before me that you the said Thos. J.
 Packard are a non-resident of the State of North Carolina
 and a resident of a distant State, to wit, the State of Maryland
 and that on this account & by reason of your occupation &
 profession you cannot give that attention to the man-
 agement of the estate and that assistance to him as
 Co-executor that the nature of the case demands
 thereby causing greater responsibility & labor in the manage-
 ment of said estate to devolve upon him. There are therefore
 to command you to appear before me at my office in
 Roxboro 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 shall
 not be removed as one of the Executors of the said
 John W. Cunningham.

This Aug. 29th 1887

Jno. C. Pass
 Clerk Superior Court.

North Carolina }
 Person County }
 In the matter of the }
 Administration of the } Answer to Notice to show
 Est. of Jno. W. Cunningham } Cause + C.

To J. C. Pass Clerk of the Superior Court of
 Person County -
 The respondent in answer to the notice to show cause in
 in this matter would respectfully show and submit that
 the causes alleged in notice are true and on that ac-
 count he would not be able to give that attention
 to the administration of the estate that is necessary
 and he therefore asks that he be removed as one
 of the Executors

Thomas J. Packard -

North Carolina }
 Person County }
 In the matter of }
 the Administration } Order of removal
 of the estate of }
 Jno. W. Cunningham }

This cause coming on to be heard before me, this
 day. It is therefore upon considering the notice & answers,
 rendered and admitted that Thos. J. Packard be and he is
 hereby removed as one of the Executors of the estate
 of Jno. W. Cunningham for the causes alleged and admit-
 ted in said notice & answer, and that the other Executors
 Jno. W. Cunningham proceed with the Administration
 of the estate of the said Jno. W. Cunningham
 This Aug. 29th 1887.

Jno. C. Pass J.C.

North Carolina }
 Person County }
 Certificate that D. M. W. Bradsher Clerk Superior Court,
 certifies that the foregoing is a true and correct
 copy of Proceedings had as to the removal of Thos.
 J. Packard one of the Executors of the late Jno.
 W. Cunningham

Given under my hand & official seal
 this Aug. 1st 1888.

D. M. W. Bradsher
 Clerk Superior Court.