

State of North Carolina, Burke County.
Be it Remembered, That at a Court of Pleas and
Quarters sessions, opened and held in and for the County
of Burke, and State aforesaid at the Court House in
Wilmington on the 5th Monday after the 4th Monday in
February 1868 it being the 30th Day of March 1868
Present the worshipful Justices

J. J. Erwin.
J. A. Dorsey.
J. C. Hallyburton

When and where the following proceedings were
had to wit:

State of North Carolina
Burke County.
Court of Pleas and Quarters Sessions

Spring Term 1868.

To the worshipful the
Justices of said Court. The Petition of John R. Suddeth
William S. Suddeth Robert McCombs a wife Ann
C. McCombs, William H. Powell and John M. Powell
by their Guardian Joseph Coppening Eleanor
Elizabeth Charles Andrew & Mildred Augustus
Suddeth by their Guardian John R. Suddeth.
W. S. Suddeth. W. S. Suddeth & Joseph Coppening
Robert H. Slough Hiciah Singleton Byard Williams
and wife Delena William Dockworth and wife
Catharine James V. Liles S. Marcus P. Rufus W.
& Lucius Singleton.

Petitioners.

Your petitioners humbly complaining sheweth
your worships that John Suddeth late of said County
departed this life in the month of February 1865 having
made and published a last will and testament in the words
and figures following to wit:

In the name of God Amen I John Suddeth of
the County of Burke and State of North Carolina
being of sound and disposing mind and memory do
make publish and declare this paper writing to be and
contain my last will and testament To wit:

I Resign my Soul unto Almighty God who gave
it and direct my body to be buried in a becoming manner
in my family Grave yard over to and under the

deceased wife as deposited, and that my executors hereinafter
named pay my funeral expenses out of my estate. I direct
my executors to pay all my debts if I shall be indebted to any
person at the time of my death. Touching such real and personal
estate as it hath pleased Almighty God to bestow upon me
which it to be disposed of in the following manner to wit:
I desire and direct my executor to cause all my negro slaves
to be brought together in the County of Burke and when so
congregated to take out a Negro woman named Lucy now
in the possession of Hiciah Singleton also a negro girl
named Mary about 7 or 8 years old whom I purchased
from Ficus Little also a Negro Boy named Thomas about
4 years old child of a woman named Puckey and when
they are so taken out to cause the balance or remainder to be
divided and set apart in six lots of equal value, and
when so divided and set apart I give and bequeath one lot
to my Son William S. Suddeth during his life with re-
mainder over to his children. One lot to my Son John R.
Suddeth during his life with remainder over to his child-
ren if he shall have any born in lawful wedlock.

But if he have no children born in lawful wedlock, then
to himself absolutely. One lot to my son John R. Suddeth
in trust for the sole and separate use and benefit of
my daughter Ann E. McCombs wife of Robt McCombs
during her life with remainder to her children, and I
direct the said Justice to allow my son in law, the said
Robt McCombs to have the management and control of
the said negroes, as long as he continues to do well and
keeps out of debt, so as to enjoy for himself and his family
the proceeds of their labor during the lifetime of his said wife
Ann E. McCombs. One lot I give and bequeath to my
two grand children William H. Powell and John M. Powell
children of my deceased daughter Mary A. Powell, and should
either of them the said William H. or John M. die before
arriving at the age of 21 years and leaving no issue born
in lawful wedlock then the lot or share of the one so dying to
go to the survivor and his heirs. If both of my said grand
children shall die without arriving at the age of 21 leaving
no issue surviving, then their lot or share of said property
must be divided among my other children and my grand
children per stirpes. And I further direct my executor
to keep said lot of negro slaves in their custody and possession
and to hire them out annually until John M. Powell reaches

age of 21 years, and to Rent out what land I may
 give to my said grand children William and John M.
 Powell until the said John M. arrives at the age
 of 21 years and out of the proceeds of said negroes
 and land to give my said grand children a liberal
 education and the balance, if any to invest for their benefit
 my executor may deem most advisable.
 One lot I give and bequeath to My three grand children
 Eliza Elizabeth, Charles Andrew, and Mildred
 Augusta children of my dear Son Stanhope A.
 Suddeth, and should either of them die unmarried
 and leaving no issue, before arriving at the age of twenty one
 years then the share of the one so dying to go to the Survivors
 or Survivors, and should all die before reaching
 twenty one years of age and leaving no issue surviving
 then the said Negroes set apart for them must be
 divided among my other children and my grand children
 per Stirpes, and I further direct my executor to keep said
 lot of negroes in their custody & possession and to hire them
 out annually until Mildred Augusta arrive at the age of
 Eighteen years and to Rent out what land I may give to
 my said last named grand children until Mildred
 Augusta reach the age of Eighteen years.
 And out of the proceeds of said negroes and land to give
 my said grand children a liberal education and the
 balance if any to invest for their benefit, as my executor
 may deem most advisable the same in my said sixth lot
 it was my wish and intention to give to my son Elam M.
 Suddeth if he had been a sober and steady man, but as
 he has contracted habits of dissipation, which I fear will
 cause him to squander any property over which he may
 have control, I therefore give him nothing, but do give the
 sixth lot of Negroes in trust to my friend Joseph Corpenning
 directing him to take charge thereof and to hire them out
 annually and to Rent out certain land which I intend
 in a subsequent part of this will to give to him in trust
 and out of the proceeds of said negroes and land, to give
 my said Son Elam a sufficient sum or amount to keep
 and maintain him in a decent & comfortable manner
 as to said trustee may seem most desirable, and if my
 said Son Elam shall marry and have issue,
 then and in that case all the property herein given
 bequeathed and devised to Joseph Corpenning as trustee

is to go to the Children of said Elam M. Suddeth at his
 death but should he die Childless, then and in that event it
 is to be divided per Stirpes between my other children who
 are then living, and the children of those who are dead.
 The three Negro slaves named on the first page of this will
 To wit: Lucy Mary and Thomas, I give and bequeath to
 Mirziah Singleton during her life and at her death, to her following
 children To wit: James V. Gulaine wife of Ryland Williams
 Catharine Duckworth wife of William Duckworth, Silas S. Manning
 L. Rufus W. and Lucius T. Singleton, and I do hereby direct
 my executor after the death of said Mirziah Singleton to sell
 the said three negroes, and any increase from them which
 may come after the date of this will, and divide the proceeds
 equally between the above named children of Mirziah Singleton.
 I also give and bequeath to said Mirziah Singleton one good
 Mule worth from 75 to 100 dollars and two hundred
 dollars paid to her in cash by my executor, all the balance
 of my personal property of every kind and description
 whatsoever I direct my executor to sell at public
 auction either in Burke or Cherokee Counties and the
 proceeds of the sale together with proceeds of the notes I may
 have on hand at my death, and also what money I
 may have on hand must be disposed of as follows
 to wit: My funeral expenses and debts must be paid
 then my executor must pay to Robert H. Slough of Mobile
 Alabama, Son of Sarah Slough one thousand dollars, then the
 legacy of two hundred dollars to Mirziah Singleton, and the
 residue to be divided into six equal shares and distributed
 among my children and grand children in same manner
 as I have directed for the distribution and division of the
 six lots of Negroes in the preceding part of this will. With
 regard to my Real or landed Estate I dispose of it in the
 following manner to wit: I give bequeath and devise
 to Mirziah Singleton during her life, with the remainder
 to her children herein before named, the following land to
 wit: A tract lying on both sides of Lower Creek in
 Burke County and how deep as follows.
 Beginning at the mouth of the meetinghouse branch below
 where the bridge across Lower Creek used to stand
 on the road leading from my house to Lenoir, thence up
 the branch with its meanders to the fork of the same,
 thence up the Eastern prong to the Conway line, thence east
 with the Conway line, to the South East corner of the

Thence North with the Conway line and the Dogwood flat line crossing the public road to the North East Corner of the Conway tract. Thence west to the North West Corner of the Conway tract in a small field. Thence South with the Conway line to the South West Corner of the Conway tract. Thence same course with Ennis line to a Stake at Ennis Corner beside the fence. Thence West, crossing Lower Creek below Ennis Mill through an old road with Ennis line various courses to the line of the tract of land which I purchased from John H. Murphy. Thence due East with the line of the Murphy tract and the line of the five acre entry to the bank of the creek at the upper end of David's field. Thence with the Creek to the beginning containing three hundred acres more or less the following boundaries the whole of the Conway tract of land and all the Franklin tract except that portion of the Franklin place which is hereafter disposed of. I also give devise and bequeath to the same parties in the same way the Herring tract of land which I purchased at a sale made by the Clerk and Master of Burke County as the property of John Hughes excepting a portion of said of said place which is hereafter disposed of. Also I give to them a tract containing thirty-one acres more or less being the same purchased by me from Wister Tate lying immediately west of the Hughes place, also a lot, entry of six (6) acres on the South and East of the Hughes place see grant for a more particular description I give bequeath and ^{to my son} ~~devise~~ William S. Suddeth during his life with remainder to his Children my Home plantation whereon I now live with the following boundaries to wit: Beginning at a Chestnut and Poplar near the head of a small branch which runs into the lower end of the Killian patch in the Franklin field so as to run from the poplar and Chestnut North twenty poles to the corner of the five acre entry. Thence East to the bank of Lower Creek. Thence down the creek with its meanders to the mouth of the Meeting house branch below the bridge. Thence up the meeting house branch to the fork and up the right hand or Eastern fork to the Conway line. Thence with the Conway line to the South East Corner of said tract -

Thence South to the South West Corner of the Dogwood flat ^{line} ~~tract~~ to a point due North of Peter Johnson's western boundary. Thence South with his line of the Fearnus tract to a Stake on the River bank at the upper end of Johnson's field. Thence up the river with its meanders crossing at the mouth of Lower Creek and continuing up the river with its meanders to the History Corner, near down, of the line now dividing the Home tract and Welch tract. Thence North with said dividing line to the Black Oak, Melcher Corner by David's field. Thence west with Melcher line to the beginning containing eight hundred acres more or less and valued by me at Six thousand five hundred dollars. Also one undivided half of the two lots in Morganton on which the Saver William S. Suddeth and C. M. Suddeth built a House now occupied by Larkie Terry. Said half of the two lots valued by me at three hundred dollars, also one hundred (one) and fifty more or less of land on the South side of the Catawba River adjoining Newcastle Isaac Johnson and J. B. Bartlett, Berry and Hughes Place on both sides of the ridge Road including that part of a grant to William and David Tate which is not covered by the grant to John Hughes, see the grant to Hughes and Tate valued at three hundred dollars making the aggregate value of all the land here given to said William S. Suddeth and his Children Seven thousand one hundred dollars. To my Son John R. Suddeth with remainder to his Children if he have any born in lawful wedlock and to him absolutely if he have no such Child or Children the following lands to wit: all the upper end of the Melcher tract which I purchased from John H. Murphy, beginning at a Spring at the foot of the hill in the Grady field then with the ditch to the Johns River. Thence a gap said river continuing the same course to the back line of the Melcher or Murphy tract. Thence with said back line and Ennis line crossing Johns River to the Melcher Spanish Oak Corner near down. Thence South with Ennis line to the Black Oak bush on the South of a ridge road and near a large Pine Stump a Conditional line between the Chambers and Melcher tract. Thence with the old marked Conditional line down the dividing ridge to a point ~~with~~ in a direct line with the Spring in the Grady field and the ditch leading from the Spring to the River.

Then down the Hill a straight Course to the beginning. Containing three hundred acres more or less, well valued, including the new house at six thousand dollars. Also two Town lots in Morganton between the Boyden and Means and the lot between E. M. & W. A. Suddeth built a House now occupied by Jarkin Terry and bounded on the back or Eastern side by water Street - valued at five hundred dollars. Also one hundred acres of land on both sides of Rock Creek a branch of Hemps River including two improvements made by Elias Suddeth see the Grant, valued at two hundred dollars.

Also my interest in the Bee Mountain Tract of land in Caldwell County, it being one third of six hundred and forty acres, valued at three hundred dollars. Also my interest in a seventy five acre tract in Caldwell County on Clark's gold mine branch, being the land purchased by one, James Murphy James Erwin known as the Milke County place, valued at one hundred dollars. Making in the aggregate value of all the land contained in this Clause of my will Seven thousand one hundred dollars. To my son John R. Suddeth in trust for the sole and separate use of my daughter Ann E. McCombs during her life with remainder to her Children. The tract of land on which my son in law Robert McCombs now resides in Cherokee County on the North side of Hiwassee River, being tract No 24 in Dist No 1 containing 377 acres valued at three thousand and five hundred dollars. Also tract No 31 in Dist No 1 adjoining the last named tract valued at five hundred dollars. Also tract No 39 in Dist No 1 adjoining the above named tract and including the head of the River below the Mission containing 180 acres valued at five hundred dollars. Also part of tract No. 122 in Dist No 3 South side of Hiwassee river Opposite the home place and begins at the Snake ford and contains 170 acres. See the deed made by W. H. Thomas to Meador this land, valued at five hundred and fifty dollars. Also a tract No. 124 in Dist No 3 lying on the South side of Hiwassee (river) adjoining the last named tract, and runs up the river to the mouth of Brasstown and including the Mill containing 288 acres valued at seven hundred and fifty dollars. Also my undivided

also my undivided interest in lower half of 99 acres in Cherokee County in Dist No 3 tract No 21 lying on both sides of the Blainsville Road and on the Creek above and joins the Price place, see grant to Suddeth and Martin, my half valued at two hundred dollars also tract No 46 in Dist No 8.

South side of Hiwassee river containing 232 acres more or less, see grant No 378, dated 15 Dec. 1846, valued at one thousand dollars. Making the aggregate value of all the land contained in this Clause of my will Seven thousand dollars and I direct that the said trustee to allow my said Son in law, Robert McCombs to have the management and Control of said lands, so long as he continues to dwell and keep out of debt - so as to enjoy for his self and his family the profits of said lands during his wife's life time, or to make my meaning plainly to be understood, I wish the trustee to run out said lands to the said McCombs during his wife's lifetime and exact not pay from him while he keeps clear of debt and provides well for his family, but should he fail to provide for them and become enthrallled in debt, then the trustee must take possession and give the proceeds to my daughter Ann E. McCombs during her life for her sole and separate use.

To my three grand Children Clara Elizabeth, Charles Andrew and Milnes Augusta Children of my dear son Stanhope at Suddeth, I give and devise the following lands to wit: Tract No. 119 in Dist No 3 in Cherokee County. South side of the Hiwassee river below Abraham Hanchaw ^{five hundred} containing 267 (acres) valued at two thousand dollars. Also tract No 120 in Dist No 3 lying South & West of the last named tract and West of Abraham Hanchaw's land, valued at five hundred dollars. Also four lots in Morganton including the dwellings House and improvements built by Stanhope & Suddeth on the east side of the deep ravine or hollow, valued at two thousand dollars. Also 100 acres more or less of land on the waters of Hunting Creek including the place where James Grady lives and the apple orchard set out by S. A. Suddeth and to include all that part of Hykes place (tract) which lies North of the branch running from the little round meadow South of Grady's house the land South of the branch being otherwise disposed of, valued at six hundred dollars. Making the aggregate value of land contained in this Clause of my will Five thousand six hundred dollars. The foregoing lands to be held by my Executors and managed by them as indicated in a preceding part of this will.

I also forgive the debts which S. A. Suddeth's estate owes me individually, and also the debts which I have paid for him since his death and I hereby direct my executors never to collect any portion of the same.

To my two Grand Children William H. Powell and John M. Powell Children of my deceased daughter Mary C. Powell I give and devise the following lands in Cherokee County To wit: One Tract No 11 in Dist No 1 known as the little Mill place or Race path tract 327 acres valued at fifteen hundred dollars. Also Tract No 12 in Dist. No 1 known as the Taulakee place and which lies on the river immediately above the little Mill place containing 132 acres and valued at four hundred dollars. Also Tract No 13 in Dist No. 1 and joining the last named place containing 126 acres and valued at three hundred dollars. Also Tract No 16 in Dist No 1 immediately above the Taulakee place on the river and include the mouth of Peach Tree, and runs up the Hiwassee River to a Forest at a mound in the townfield (See grant) valued at ^{five hundred} three thousand ~~five hundred~~ dollars. Also Tract No. 42 in Dist No. 8 on the South of the Hiwassee river containing 89 acres adjoining the place where Mr Shields settled (see grant) valued at two hundred fifty dollars. Also Tract No 44 in Dist No 8 containing 89 acres on the South side of Hiwassee river adjoining No. 41 & 43. Valued at four hundred and fifty dollars.

Also Tract Section No. 68 in District No 8 containing 79 acres. (See grant No. 559) valued at five hundred dollars making the aggregate value of all the land contained in this clause of my will, six thousand nine hundred dollars. Said land to be held by my executors and managed by them, as directed in a preceding clause of this will. To my friend Joseph Corpening in trust for my Son E. M. Suddeth during his life, with remainder to his children if he have any born in lawful wedlock, and if he leave no such child or children, then to his brothers and sisters or their children, per stirpes. The following land in Burke County To wit: The lower end of the Melcher or Murphy tract on Johns River. Beginning at a Spring on the South Side of the River in the Brady field, and running with the ditch to the River, crossing the River and continuing the same course to the back line of said Melcher place, or Tract, then with said Back line to a Black Oak, now down, by the fence at David

field, a corner of the Melcher tract, then with the line of said tract and the Home tract south to a Hickory, now down, on the bank of the Catawba River, then up the Catawba river with its meanders, passing the mouth of Johns River and continuing up the Catawba river to a Hickory at the mouth of a small branch and dividing line made by Melcher's Catawba. Then up said branch to a white oak and Poplar in a horse gap. between the two rivers, then along the dividing ridge with an old conditional line to a point in a direct line with the Spring in Brady's field, and the ditch running from said Spring to the River then down the slope to the beginning containing 320 acres more or less and valued at six thousand five hundred dollars. Also one hundred acres more or less on both sides of Coldwater Creek, being part of a grant to me and the other portion belonging to Daniel P. Johnson. The said land lies on both sides of the creek and adjoins the land of F. P. Bluff Drex and the lower end Joshua Ballwin's old place, said land is valued at one hundred dollars. Also an undivided half of two lots in Morganton, the other half of which I have given to W. S. Suddeth in a preceding part of this will, valued at three hundred dollars making the aggregate value of all the land contained in this clause of my will six thousand nine hundred dollars and I desire my said friend Joseph Corpening whom I have appointed trustee for Elam to send the said land to Elam and hire the negroes which I have given in trust to said Corpening to him, to work on said land if the said Corpening deems it prudent to do so, and as long as my said son Elam shall demean himself well I do not wish said trustee to exact any rent or hire from him. This however is a matter which I have left entirely to the good judgment and discretion of said trustee. All the balance of my real estate I direct my executors to sell at public auction in the Counties where the land lies on such terms as they may deem fit and proper and out of the proceeds to pay all the expenses incident to the execution of this will and the Commission which may be allowed my executors, and the residue if any, to be divided among my children and grand children as my negroes are directed to be divided. I desire however that my son John R. Suddeth, as one of my Executors shall have the sole and exclusive power to sell and convey the land belonging to me and known as the speculation land lying in Burke County and as compensation for his trouble in that

my and he is to retain ten per cent Commission on the amount for which said land may sell, and it is my further wish and desire that my other Executor hereinafter named, shall retain a fair and liberal Compensation for his services as an attorney over and above the usual Commissions which must be allowed him as an executor, and lastly I do hereby constitute and appoint my Son John R. Luddeth, and my friend Tod. R. Caldwell Executors of this my last will and testament investing them with full power and authority to execute the Same and every part thereof, according to its true intent and meaning. I do hereby revoke and annul all other wills and Testaments by me heretofore made ratifying and confirming this alone to be my last and only will and Testament. In witness Whereof I do hereunto set my hand and affix my seal on this the 20th day of Feby. 1860

Signed sealed published and
 Delivered to John Luddeth
 to be his last will and
 Testament in our presence
 who at his request, and in
 his presence, and in the
 presence of each other do
 attest the Same as witnesses
 thereof. J. B. Walton
 J. H. Pearson

Codicil

Whereas I John Luddeth on the 20th day of Feby. 1860 did make and publish the annexed paper writing, as my last will and Testament, disposing of my estate Satisfactorily to my self at that time, and whereas my Son Elam M. Luddeth has died since that time, without leaving any family whereby the devise and legacies to him have become inoperative. I have deemed it necessary and proper to make and publish this, as a codicil to my said last will and Testament, to be taken and construed as a part thereof.

I do hereby revoke all the devise and legacies given in said last will and Testament to Joseph Corpening in trust for my said son Elam, and do declare them, and each of them void and of no effect.

2nd on the first page of said will I direct my Executor to take out from my negroes, Certain negroes for Elizabeth Singleton among which I have named a negro girl named Mary, which I now wish to change and to direct that Margaret daughter of Lucinda purchased of Robert Miller be substituted in place of Mary in said allotment and when the said Negroes are so taken out, to cause the balance or remainder to be divided and set apart into five lots of equal value, and when so divided, and set apart to be given to my son W. S. Luddeth John R. Luddeth Elam E. Luddeth and the children of my daughter Mary a Powell and Son Stanhope A. Luddeth as divided in my said will.

3rd That I give and bequeath the said negro girl Margaret to Elizabeth Singleton in the same manner in which Mary is given to her in my last will, and I do give and bequeath to her five hundred dollars instead of two hundred dollars as mentioned in my will, and I do direct my Executor to pay her one good mule of average value without regard to price or worth.

4th Having revoked the devise of land to Joseph Corpening in trust for my son Elam, I do give devise and bequeath all the said lands, as given and devised to Elam or to said Corpening in trust for him to my two sons William S. Luddeth & John R. Luddeth, to have and hold in the same manner in which I have given them other land in said will, and whereas, I have given and devised to my son W. S. Luddeth & John R. Luddeth Certain (lands) by metes and bounds and now intend them to have the land intended for Elam all of which are adjoining and adjacent, and which may for convenience require a change in the lines of each. I do therefore give and devise to W. S. Luddeth & John R. Luddeth jointly all the land given to them and to my son Elam or to Joseph Corpening in trust for him in the County of Benke and all the adjoining land not given and devised specifically to others in my said will or by this Codicil together with the land in the town of Morganston to be divided between them equally in value, my son W. S. Luddeth to have the lower half including my mansion house and all the improvements and my son John R. Luddeth to have the upper part including the new house and improvements. When Harbin now lives, and in dividing the lower lots W. S. Luddeth shall have the upper lots in the

improvements be made and John R. Suddeth lower and improved lots the division of said land to be made by themselves if they can agree, but if they disagree, by five Commissioners selected by themselves or by the Court of Pleas and Quarter sessions of Burke Co. if they cannot agree upon the men, and I do value this joint devise at Twenty two thousand dollars or Eleven thousand dollars to each devise.

5th Whereas I have given and devised to John R. Suddeth in trust for my daughter Ann E. McCombs certain lands in Cherokee County, which I now revoke and place thereof, I do give devise and bequeath to the said John R. Suddeth in trust for the said Ann E. McCombs the following lands in said County. One tract on which my son in law Robert McCombs now lives situated and being on the North Side of Hiwassee River known as Tract No. 26 in Dist No. 1 containing three hundred and ninety seven acres also tract No. 31 in Dist No. 1 containing one hundred and sixty seven acres also tract No. 124, in Dist No. 3. Containing 288 acres also tract No. 18 in Dist No. 1. Containing 168 acres also that part of Tract No. 15, 1st Dist containing in the following boundary to wit: Beginning at a corner at a large mound on the bank of Hiwassee river, the beginning corner of said tract, and running North with the line of said tract to reach Horse Creek at the corner of tract No. 18, then with the Creek to the North thereof, and then up the Hiwassee river to the beginning also a certain tract bought by me from W. H. Thomas being a part of Tract No. 122, Dist No. 3. Containing 170 acres, all the above said lands being valued by me at the sum of thirteen thousand five hundred dollars, to have and to hold upon the same trust and condition declared in my will in reference to the said then given.

6th I do make all the devise of land situate and being in the County of Cherokee, given and devised by my said will to my two grandsons W. H. Powell and John R. Powell, in lieu and in place thereof I do give and devise to them all the lands in Caldwell County I bought from Henry Sumpter and Leonidas Hunt and Jesse Haylor and my undivided interest in the Bee Mountain tract. (The latter tract I have given in my will

to John R. Suddeth which devise I now make.

I value these lands to my said grand children at the sum of nine thousand dollars (\$9000) and to be held by them, in the manner declared in my will in reference to the land then given in Cherokee.

7th I do devise and bequeath to my grand son Charles Andrew Suddeth, son of my son Stanhope, my undivided interest in a certain tract of land on Hunting Creek upon which Robert C. Pearson and myself have a mill and it is my desire that my grand sons interest in said lands shall not be sold for partition before he becomes of age and also of my friend Robert C. Pearson who owns the other half of said land so to provide that the same shall not be partitioned until that time.

and I do further give and devise to my said grand son the place adjoining the mill tract known as the Katy Deal place, and it is my wish that my said grand-

son, over and above what he may otherwise receive from my estate, and that neither he or his sister, shall account for the same in the final settlement of my estate.

8th I give and devise to my sons W. S. Suddeth and John R. Suddeth all of the remaining portion of Tract No. 15, Dist No. 1 in Cherokee County not given by this Codicil to their sister Ann E. McCombs at the value of \$2500.00

9th In addition to the legacy of one thousand dollars given in my will to Robert H. Slough of Mobile I do give and devise to him a certain tract of land in Cherokee County, known as tract No. 11 Dist No. 1 enclosing the race path containing 327 acres and also tract No. 13, in the same district on the North side of Hiwassee river containing 126 acres.

10th I have provided in my will, that my negroes are to be divided into six lots, which by this Codicil is changed into five and in making said divisions it is my will that my negro boy Liloman, now in the possession of my son John R. Suddeth shall be placed in his lot; that my negroes Bob Nancy and Mary now in the possession of W. S. Suddeth shall be placed in the lot assigned to him, that Annanda now in the possession of Robert McCombs shall be allotted to his wife as a part of her share, and the negro baby now in the possession of Stanhope's widow be assigned to his children as part of their share.

11th It is my will and devise that my daughter in law Martha Ann. Suddeth shall sitim with her family from Alabama, and live in Morganton in the House her husband built, and in case she should do so it is my will that she and her occupy the said house and lot, the mill tract and mill and other lands given her by child in the County of Burke until her youngest child becomes of Age of Eighteen, for of rent, or change, and it is my will that my executors maintain and educate the children of my son Stanhope liberally out of such estate as I have given them, and such part as shall remain due Clara Elisabeth and Mildred Augusta Suddeth shall either be invested in land for them or settled upon them, to their sole and separate use free from the control of any husband which either of them may have and subject to the same trust and condition as declared in my will.

12th I have directed in my Will that all my personal estate shall be divided into six lots, and by this Codicil have changed that Number into five, and by my said will I have directed all my estate both real and personal and mixed, not given specifically in devise or legacies by said will to be sold and the proceeds to be divided in the same manner in which my personal estate is directed to be divided, which will now be in five shares instead of six. From the present unsettled state of Public affairs, and the fluctuation value of the circulating medium of the Country, I do direct and authorize my executors, hereafter named to exercise their discretion, as to the time of sale of my real estate, and direct them not to sell until they shall be of opinion or the majority of them, that the interest of the persons interested as devisees of my estate generally requires the sale to be made and upon the final settlement of my estate I wish to make the shares of my children as equal as possible, and have estimated the value of such real estate as I have given either of them, or to my grand children, representing his or her parent, in the said will or by this Codicil, with the view, that such child or grand child or grand children shall account for such estimated value in said settlement so as to do equal justice to all.

13th I have given in my said will certain devise and legacies to certain of my children and grand children upon certain trusts and conditions, and in this Codicil have changed such gifts and devise by substituting other property in place of that originally given. In such cases, it is my will that the property changed with the same trusts and conditions declared in my will, and that the said paper writing and each and every part thereof is now declared to be my last will and Testament, except so far as it has been changed by the provision of this Codicil, which is intended to be, and is now declared to be a part of said last will and Testament and to be taken and construed as a part thereof.

14th In my said will and Testament I have appointed John R. Suddeth and J. R. Caldwell my Executors, which I wish to change in one particular, I do therefore, hereby revoke the appointment of J. R. Caldwell as one of my executors, and as the attorney of my estate and I do nominate and appoint my son William J. Suddeth and my friend Joseph Corpening Executors of my will and Testament jointly with my son John R. Suddeth and invest my said three Executors with all the power given them by my said will and Testament and by this Codicil and especially with full direction as to the time of sale of my real estate so as not to sell it for less than its value, and in all cases in which it is necessary for them, or either of them, to have legal advice relative to my estate to consult my friend B. S. Baither whom I desire to be the Council in all matters touching the same.

This 2nd day of August 1864.

John Suddeth *[Signature]*

Signed sealed, published and declared by John Suddeth to be a codicil to his last will and Testament in our presence who at his request, and in his presence and in presence of each other attest the same as witnesses.

R. C. Peterson
W. R. Duval.

Copy of the Last will and Testament of John Suddeth
 Dec. With all the forms of Law. to pass both
 Real and personal estate and that the said will
 and Testament at the April Term of this Court 1865
 was offered for probate in this Court by William
 S. Suddeth John R. Suddeth & Joseph Carpenter
 the persons named therein as executors thereof and
 was then and there duly proven by the said existing
 witnesses thereto according to Law and
 declared by the Court to be the last
 will and Testament of John Suddeth and thereon
 then Recorded and filed in the office of this Court
 according to Law and the Executors thereof afore-
 said duly qualified as such and letters testa-
 mentary issued to them under the orders of this Court
 Your petitioners further sheweth unto
 your worships that in the month of April 1865
 that the Court House and all the public Records
 and papers of this Court were taken possession
 of by the Military. Under the Command of General
 Gillum of the United States Army, and the greater
 part thereof burnt and destroyed and that the said
 original will and the record thereof in the will book of
 this Court were then destroyed leaving no residue
 thereof among the records of this Court.
 Your petitioners further sheweth unto your worships
 that they are all the legatees and devisees under said
 last will and Testament, and all likewise all the heirs
 at law and next of kin of the said John Suddeth
 and alone interested in this Estate, either as legatee
 or devisee or as heirs at law or next of kin and
 sheweth unto your worships that the foregoing is
 a full true and perfect Copy of the original paper
 writing which has heretofore been admitted to probate
 as the will and Testament of John Suddeth and
 pray that your worships Court to adjudge the same to
 be a true Copy thereof and to order the same to be recorded
 and registered according to Law as the will of
 John Suddeth, and as in duty bound will ever pray
 B. L. Gaither Attorney
 for Petitioners

John R. Suddeth
 & others }
 Ex parte. } Spring Term 1868.
 } Petition to record a copy of will of
 } John Suddeth

It appearing to the Satisfaction of the Court now here that the
 paper writing set out in this petition is a full true and
 perfect Copy of the will and Testament of John Suddeth
 which was duly proven and recorded at the April Term
 of this Court 1865 & that the said original will & Testament
 & the record of said probate & will have been destroyed in
 the Raid made upon the records of this Court
 by the Military authorities of the Armies of the U. S. in
 the year 1865. it is adjudged that the said paper writing
 contains the contents of the original will & Testament and
 every part thereof & it is ordered and adjudged & decreed
 that the said paper writing be recorded & registered as the
 last will and Testament of the late John Suddeth
 according to the Statutes made and provided
 in like cases.

North Carolina
 Burke County

I Samuel J. Pearson Clerk of the
 Superior Court of Burke County do certify that the
 foregoing is a perfect true and correct Copy of the
 will of John Suddeth declared as set up, and of the
 petition & Order establishing the same as recorded
 on Will Book for said County. Page.

In testimony whereof I do hereunto set my hand and
 affix the seal of said Court of Office in Morganton
 this 18th day of July 1865
 S. J. Pearson
 Clerk Supr. Court
 Burke County.

Mecklenburg County in the probate Court

In the matter of the will of Rufus J. McAden } Before J. M. Morrow C.S.C.

John H. McAden being sworn doth say:
That Rufus J. McAden late of said County is dead having first made and published his last will and Testament and that John H. McAden is the Executor named therein. Further that the property of the said Rufus J. McAden Consisting of Real Estate, bonds, stocks and other personal property is worth about \$500,000 so far as can be ascertained at the date of this application and that the Widow and Children of the deceased (under the terms of the will) are the parties entitled under said will to the said property.

Sworn to and Subscribed } J. H. McAden.
before me this 28th day of }
July 1889. }
J. M. Morrow C.S.C. }

Will.

Charlotte N. C. April 7/1889
Being of Sound Mind, I make this my last will and Testament hereby Revoking all former Wills.

I nominate and appoint my Brother John H. McAden Executor of this will, Trustee and Guardian for my Children And as I have Confidence in his honesty and ability I direct that he shall not be required to give any bond for the discharge of his duty.

I direct my executor to pay off all of my debts And in order that he may do so at once, I direct him to use so much of my life Insurance Money as may be necessary. I request my wife and Children to consent to this arrangement as I know they would accept the Money with my debts unpaid. And in addition to this, this arrangement ensures to their benefit as it protects my property from sacrifice, and they are amply protected by the property. Should any of my Children Refuse to Comply with this Reasonable Request they are hereby Excluded from all Rights and interests in my estate.

My mispression is my life insurance policy amounts to my wife twenty thousand (\$20,000) dollars, if not so, my Executor is hereby directed, out of my Estate to make it that amount. In addition to this, I give to my wife and her heirs one (8) eighth interest in my entire Estate, both Real and personal. I also give to her the house at my Cotton factory known as the "dwelling house" together with twenty acres surrounding said dwelling, her natural life. Also I give to her absolutely, all of my household and kitchen furniture, Carriage and Horses, all the residue of my Estate I give to my Brother, Dr. John H. McAden in Trust, for my Children, he to have entire Control of the Same, And he is Authorizing to sell and dispose of the Same or any part thereof, at such time and on such Terms, as to him may seem best. He shall also have authority to keep in possession and manage and operate any and all such property as long as he may deem it wise to do so. That he may distribute such portion of said property or income, Therefore, at such time, as he may deem it prudent for the best interests of my Estate and my Children.

In case that any of my Children are dissipated and disposed to waste their property, they are to receive only a small income, until the proof by their Conduct and habits, that they are worthy to take more.

The portions of my property due to my daughters shall be given to them in their own right, free from the debts or liabilities of their Husbands, at such time as my Executor may deem best.

My Executor Shall Charge such Commission for his services as he may think just and right
(Signed) R. J. McAden

This paper acknowledged by R. J. McAden before us to be his last will and Testament and we sign the Same as witnesses in his presence and at his Request

(Sig) Arch^d Graham.
(") M. P. Peggam.
(") Arch^d Graham.
(") M. P. Peggam.