

North Carolina,

Gaston County.

I, James J. Kennedy, of the town of Bessemer City, County of Gaston and State of North Carolina, do make, ordain, publish and declare this to be my last will and testament, in manner and form following, that is to say:

First: I direct the payment of my just debts, if any.

Second: I give and bequest and devise to my beloved wife, Nancy L. Kennedy, all the rents, uses and income from all my real estate, lands and tenements, wheresoever situated in the State of North Carolina, after taxes, insurance and necessary expenses for repairs shall have been paid from such rentals, and the payment of such other items as are hereinafter indicated, such incomes to be paid to my said wife, by my executors hereinafter named, from time to time as my said wife may demand, until my then oldest child shall become twenty one years of age; and thereafter my said wife to receive the income from one third of my said real estate, lands and tenements, during her natural life; and it is my will and desire that in a division of my said real estate, at the time my then oldest child becomes twenty one years of age, the residence or homestead where I now live shall be assigned as a part of the estate, of which my

where I now live shall be assigned as a part of the estate, of which my said wife shall have the possession and use.

Third: It is my will and desire that my beloved sister, Lizzie, shall be and remain a member of my family, and have her reasonable support from my said wife's income, so long as she, my said sister, shall remain single and desire to live with my family and assist in the rearing of my children, and in such other household duties as are reasonable; but in case my said sister shall, at any time, desire to leave or change her residence from my family and shall reside elsewhere, then, I direct that my executor pay to her the sum of seventy five dollars yearly, from the funds which would otherwise be paid to my wife- and in case my said sister shall marry, then all payments and support to her from my estate shall cease.

Fourth: I Give and devise to my beloved father, Kellis J. Kennedy, the sum of two dollars monthly, to be paid from my personal estate during his natural life.

Fifth: I give and devise to my beloved wife, aforesaid, the sum of two hundred dollars, yearly, to be paid from my personal estate, beginning two years after this, my will, shall become operative and continuing until my then youngest child shall become twenty one years of age.

Sixth: I give and devise all the remainder and residue of my property, both real and personal, not hereinbefore disposed of, to my beloved children, Annie, Lula, Susie and Jeter, share and share alike; and I direct that at the time my then oldest child shall become twenty one years of age, an appraisement and division of my real and personal property shall be made, and the property to which such child shall be entitled hereunder, shall be turned over to the possession, ownership and control of such child; <sup>that</sup> and the income from the real estate which shall be apportioned to the minor children, shall be paid to my said wife, until such minor children shall arrive to the age of twenty one years, respectively, and that as each child arrives or attains to the age of twenty one years, such child shall receive to his or her own possession, ownership and control, the property to which he or she may be entitled hereunder, saving and excepting that portion which may be subject to the life estate of my said wife, which portion shall not be divided during her life time.

Seventh: I direct my executor hereinafter named, to sell and convey a certain tract of land which I now own, and which is situated in the State of Georgia, at such time as in their judgment may be to the best interests of my estate, and that the proceeds thereof shall be regarded and considered, and become a part of my personal estate.

Eighth: I direct that my executors shall use their best judgment in the

my personal estate.

Eighth: I direct that my executors shall use their best judgment in the disposal of any stocks, bonds, mortgages, or other personal property and securities which may belong to me at my death: but they shall sell no part of my real estate or lands which are located in the State of North Carolina, but that the same shall remain intact for division as above stated.

Ninth: In the event that any of my children shall die without issue, and before attaining to the age of twenty one years, then the children remaining shall share equally, the portion of such deceased child; and if any of my children shall die before attaining to the age of twenty one years, leaving issue, then such child's portion shall succeed to such issue; and in case that all my children shall die before attaining to the age of twenty one years, leaving no issue, then the portions of such children as above recited, shall be divided equally among my brothers and sisters then living.

Tenth: It is my will and desire that my brother R.C. Kennedy, one of the executors hereinafter named, shall have the right and privilege of purchasing whatever stock of merchandise, including store fixtures &c. which I may own in Bessemer City, N.C. at the time of my death, providing he will pay for the same 95% of the invoice prices thereof, and make payment therefor in five equal annual installments of principal and interest, securing all deferred payments in a manner to be approved by the Clerk of the Superior Court of Gaston County, N.C.

Eleventh: I direct that my executors shall give bond for the faithful performance and execution of this my last will and testament, in the sum of two thousand dollars each, such bonds to be proper, and to be approved by the Superior Court of Gaston County, aforesaid- Likewise, I make, constitute and appoint my beloved and trusty brother Robert C. Kennedy of Bessemer City, N.C. and my trusty friend John <sup>J.</sup> G. Ormand of Bessemer City, N.C. to be the Executors jointly, of this, my last will and testament, hereby revoking all former wills by me made.

In witness whereof, I have hereunto subscribed my name and affixed my seal the 16th day of March A. D. 1904.

James J. Kennedy

(Seal)

We, whose names are hereto subscribed, do certify that James J. Kennedy the testator, subscribed his name to this instrument in our presence, and in the presence of each of us, and at the same time he, the said James J. Kennedy, declared in our presence and hearing that the same was his last will and testament, and requested us, and each of us, to sign our names thereto as witnesses to the execution thereof, and which we hereby do in the presence of the testator and of each other, the day and date of the said will, and have written opposite our names our respective places of residence.

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J.H.Wilkins residing at Bessemer City, N.C.

D.A.Garrison residing at Bessemer City, N.C.

State of North Carolina, )  
Gaston County. ) In the Superior Court.

In the Matter of the last will of James J.Kennedy.

It appearing to the court by the oath and examination of J.H.Wilkins and D.A.Garrison the subscribing witnesses thereto, that the paper writing propounded by the Executor therein named, is the last will and testament of James J.Kennedy and that the same was duly executed by said James J. Kennedy in the presence of said witnesses and that at the time of signing the same the said James J.Kennedy was of sound mind. It is thereupon adjudged that the said paper writing be admitted to probate as the last will and testament of the said James J. Kennedy and the Executor therein named qualify as such.

This the 31st day of March 1904.

C.C.Cornwell, Clerk Superior Court.