

and every part thereof is the last will and testament of the said Cary Gower & the same is ordered to be recorded & filed. And thereupon the said Simeon H. Gower executor as aforesaid, duly qualified as such by taking the oath required

Thomas D. Sneed C.C.C.

Will of Benjamin Hocutt
State of North Carolina

Johnston County. In the name of God, Amen. May the thirty first - eighteen hundred and fifty eight. I Benjamin Hocutt of the County of Johnston and State of North Carolina, being of sound mind and memory but considering the uncertainty of my earthly existence do make and declare this to be my last will and testament in manner and form following that - is to say.

First - That my executor hereinafter named shall provide for my body a decent burial suitable to the wishes of my relatives & friends and pay all funeral expenses together with all my just debts howsoever and to whomsoever owing out of the money that first come into his hands as a part or parcel of my estate.

Item 1 I give and devise to my beloved wife Smitha Hocutt my home plantation containing four hundred and sixty one acres during her lifetime then I give the said four hundred and sixty one acres to be equally divided at my wife's death between my six children to wit - Nancy Holliland, that married William Holliland and William Hocutt and Rilda Ligons deceased that married Henry Ligons to her bodily heirs and Lany Hocutt a single woman and Atlas Hocutt and James Hocutt sons & daughters to them and their heirs forever and in the division of this tract of land above named I want my son James to have the house lot.

Item 2 My plantation lying on Little River in said county containing two hundred and fifty five acres adjoining Zachariah Hocutt and Josiah Puller and others at the west end of said tract of land I want forty acres adjoining Josiah Puller & Zachariah Hocutt off and sold by my executor.

Item 3 I give to my son Carroll Hocutt seventy one acres adjoining the said forty acres and adjoining his other land running this seventy one acres north and south to him and his heirs forever.

Item 4 I give to my daughter Hamiel that married Augustus Parish

seventy one acres to her and her bodily heirs forever bounded as follows beginning at the causeway across the spring branch at a holly bush where the road crosses said branch run down said branch to said Little River then up the river to the road then down said road to the beginning containing the seventy one acres be the same more or less

Item 5 I give to my son Bryan Hocutt the balance of said tract of land being seventy one acres be the same more or less to him and his heirs forever with the exception of one field that is on the road in cultivation during my wife's lifetime

Item 6 I give to my daughter Lany one red cow to her and her heirs forever I also give to my daughter Lany one bedstead and furniture forever.

Item 7 I give to my son James one pided horse to him and his heirs forever.

Item 8 I give to my beloved wife one negro man named Will during her life time after selling enough of my personal property to pay all my just debts and expenses then the balance I give to my wife during her life time and after her death then for it to be sold and equally divided between the before mentioned heirs.

As to my son Lemuel Hocutt I consider he has had his part in advancements and had to be advanced by being his security. And lastly I do hereby constitute and appoint my son Bryan Hocutt my lawful executor to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made whereof I the said Benjamin Hocutt do herunto set my hand and seal day and date first above written Signed sealed published and declared by the said Benjamin Hocutt to be his last will and testament in the presence of us who at his request and in his presence do subscribe our names as witnesses

B. Woodard
N. R. Whitley

Benjamin Hocutt (Seal)

Johnston County Court August Term 1858
Then was this writing exhibited in Sen Court and duly proven by the oaths of B. Woodard & N. R. Whitley & admitted to probate Bryan Hocutt was duly qualified as executor
Thomas D. Sneed c.c.c.